

NEW HAMPSHIRE PUBLIC UTILITIES COMMISSION  
CODE OF ADMINISTRATIVE RULES

Chapter: Puc-400

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## NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

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### CHAPTER Puc 400 RULES FOR TELEPHONE SERVICE

#### PART Puc 401 APPLICATION OF RULES

##### Puc 401.01 Application of Rules.

- (a) The provisions of Puc 400 shall apply to all utilities, except as provided in (b) below.
- (b) Puc 400 shall not apply to a competitive local exchange carriers (CLEC), as defined in Puc 1302.03, except as provided in (c) below.
- (c) The provisions of Puc 400 which apply to CLECs shall be as provided in Puc 1304.03(n)(1).

Source. #2011, eff 5-4-82; ss by #2912, eff 11-26-84; ss by #5000, eff 11-26-90; ss by #6381, INTERIM, eff 11-27-96, EXPIRED: 3-27-97

New. #6512, eff 5-21-97; amd by #7283, eff 5-23-00

#### PART Puc 402 DEFINITIONS

Puc 402.01 "Central office" means the inside plant of the telephone utility including switching and transmission equipment used to establish connections between customer lines or between customer lines and trunks.

Source. #2011, eff 5-4-82; ss by #2912, eff 11-26-84; ss by #5000, eff 11-26-90; ss by #6381, INTERIM, eff 11-27-96, EXPIRED: 3-27-97

New. #6512, eff 5-21-97

Puc 402.02 "Commission" means the New Hampshire public utilities commission.

Source. #6512, eff 5-21-97 (from Puc 402.01)

Puc 402.03 "Competitive intraLATA toll provider (CTP)" means any authorized provider of intraLATA toll service within New Hampshire.

Source. #6512, eff 5-21-97 (from Puc 402.01); ss by #7283, eff 5-23-00

Puc 402.04 "Competitive local exchange carrier (CLEC)" means a telecommunications carrier, and its successors and assigns, authorized by the commission after July 23, 1995, the effective date of RSA 374:22-f, to provide basic service in a particular area an ILEC was authorized to serve prior to July 23, 1995.

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Source. #6512, eff 5-21-97 (from Puc 402.01); ss by #7283, eff 5-23-00

Puc 402.05 "Customer" shall mean any person, firm, corporation, cooperative marketing association, utility or governmental unit, or subdivision of a municipality, or of the state or nation supplied with telephone service by any telephone utility.

Source. #6512, eff 5-21-97 (from Puc 402.01); renumbered by #7283 (from Puc 402.03)

Puc 402.06 "Exchange" shall mean an area defined in the utility's tariff served by one or more central offices, within which the utility furnishes telephone service at the exchange rates and regulations applicable in that area as prescribed in the tariff.

Source. #6512, eff 5-21-97 (from Puc 402.01); renumbered by #7283 (from Puc 402.04)

Puc 402.07 "Extended local service (ELS)" means a service arrangement whereby the local service areas of two or more exchanges are combined to form a single toll-free local service area.

Source. #6512, eff 5-21-97 (from Puc 402.01); renumbered by #7283 (from Puc 402.05)

Puc 402.08 Form E-5 means "Electric and Telephone E-5" form.

Source. #6512, eff 5-21-97 (from Puc 402.01); renumbered by #7283 (from Puc 402.06)

Puc 402.09 "Incumbent local exchange carrier (ILEC)" means a telecommunications carrier, and its successors and assigns, authorized under law or by the commission before July 23, 1995, the effective date of RSA 374:22-f, to provide basic service in the particular area for which it was authorized to provide service prior to July 23, 1995.

Source. #6512, eff 5-21-97 (from Puc 402.01); ss by #7283, eff 5-23-00

Puc 402.10 "Local access transport area (LATA)" means a contiguous geographical area, the boundaries of which distinguish state regulated local calling from Federal Communications Commission-regulated long distance calling.

Source. #6512, eff 5-21-97 (from Puc 402.01); ss by #7283, eff 5-23-00

Puc 402.11 "Local exchange carrier (LEC)" means "local exchange carrier" as defined in RSA 378:44, IV, namely, "the company that provides local telephone exchange service and renders the telephone bill to the customer."

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Source. #7283, eff 5-23-00

Puc 402.12 "Local service area" shall mean that exchange throughout which an exchange service customer obtains telephone service without the payment of a toll charge.

Source. #7283, eff 5-23-00 (formerly Puc 402.07)

Puc 402.13 "Outside plant" means the telephone equipment and facilities installed on, along, or under streets, alleys, highways, or on private rights of way.

Source. #7283, eff 5-23-00 (formerly Puc 402.08)

Puc 402.14 "Toll call" means any call beyond the local service area and, if applicable, the extended local service area, as defined by the respective exchange service customer's local exchange utility.

Source. #7283, eff 5-23-00 (formerly Puc 402.09)

Puc 402.15 "Utility" means any "public utility" as defined in RSA 362:2, owning, operating, or managing any plant or equipment, or any part of the same for the conveyance of telephone messages.

Source. #7283, eff 5-23-00 (from Puc 402.10)

### PART Puc 403 SERVICE PROVISIONS

#### Puc 403.01 Filing of Tariffs.

(a) No utility shall render telephone service until it has filed a complete tariff with and received approval from the commission pursuant to Puc 1600.

(b) As part of its tariff as required by Puc 1600, each utility shall file maps with the commission, showing its local service area for each exchange.

Source. #2011, eff 5-4-82; ss by #2912, eff 11-26-84; ss by #5000, eff 11-26-90; ss by #6381, INTERIM, eff 11-27-96, EXPIRED: 3-27-97

New. #6512, eff 5-21-97

#### Puc 403.02 Application for Service.

(a) A utility shall keep a record as to each instance in which it is not able to supply telephone service to prospective customers within 10 days following application for service.

(b) The record required by (a) above shall include:

(1) The name and address of each applicant who was not provided service within 10 days;

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- (2) The date of application for service;
- (3) The class of service applied for; and
- (4) The reason the utility was unable to provide service within 10 days of application.

Source. #2011, eff 5-4-82; ss by #2912, eff 11-26-84; ss by #5000, eff 11-26-90; ss by #6245, eff 5-14-96; ss by #6381, INTERIM, eff 11-27-96, EXPIRED: 3-27-97

New. #6512, eff 5-21-97

Puc 403.03 Disconnection of Service.

- (a) A utility may require that its customers' bills are payable upon receipt by the customer.
- (b) If a utility provides that customers may pay bills to an authorized payment agency of the utility, the utility shall credit the customer for payment as if posted on the date payment is rendered to the authorized payment agency.
- (c) A utility may require, pursuant to Puc 1203.10, that a residential customer shall:
  - (1) Give notice of up to 4 business days of his intention to discontinue service; and
  - (2) Be responsible for all charges until expiration of such notice period.
- (d) A utility may provide notice of disconnection of service, pursuant to Puc 403.04, to a residential customer, and may subsequently disconnect such service in conformance with Puc 403, only if:
  - (1) The customer has failed to pay any bill or deposit request, not disputed in good faith, within 30 days from the date the bill is mailed by the utility, unless the customer has established payment arrangements pursuant to Puc 1203.07;
  - (2) The customer has failed to abide by the terms of a payment arrangement entered into pursuant to Puc 1203.07;
  - (3) The customer refuses access to his premises for a necessary inspection of utility property;
  - (4) The following situation exists:
    - a. The customer has incurred a toll bill in excess of \$50;
    - b. The utility has provided written notice to the customer demanding payment of the toll charges within 10 days of the notice; and

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c. The customer has failed to pay the toll charges within 10 days of notice, unless the customer has established payment arrangements pursuant to Puc 1203.07 or

(5) The following situation exists:

a. The customer has incurred a toll bill in excess of \$500;

b. The utility has provided written or verbal notice to the customer demanding payment of the toll charges within 3 days of the notice; and

c. The customer has failed to pay the toll charges within 3 days of notice, unless the customer has established payment arrangements pursuant to Puc 1203.07.

(e) When a customer has qualified for a disconnection notice pursuant to (d) above, the utility may require payment at less than monthly intervals in lieu of disconnection or upon reconnection without deposit.

(f) If service is disconnected for non-payment, a utility may charge for reconnection as provided in its approved tariff or rate schedule.

(g) A utility may disconnect service to a residential customer without notice only if:

(1) A customer or a resident in the customer's household has undertaken an action or a situation has been created with respect to the customer's utility service which results in conditions dangerous to the health, safety, property or utility service of the customer or others and disconnection will lessen or eliminate the risk or danger; or

(2) A customer or resident in the customer's household has participated in or created the following:

a. Fraudulent use or procurement of the utility service; or

b. Tampering with the connections or other equipment of the utility; or

(3) The customer has:

a. Clearly abandoned the premises; or

b. Failed to abide by the terms of a payment arrangement, of which the customer has previously received notice, entered into pursuant to Puc 1203.07.

(h) A utility shall not disconnect a customer if:

(1) The customer's unpaid bill for regulated services is less than \$25.00, unless it includes an arrearage in whole or in part outstanding for more than 60 days;

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(2) The customer's unpaid bill results from charges for unregulated services including, but not limited to, charges for telephone directory advertising or telephone merchandise or equipment sales; or

(3) The utility has, within the preceding 30 days, received notification, in accordance with (i) below, by a licensed physician that a medical emergency exists at the location or would result from the disconnection.

(i) In order to avoid disconnection pursuant to (h)(3) above, a licensed physician's certification of medical emergency, shall be provided to the utility according to the following:

(1) The initial notification may be made by the physician by telephone and shall be deemed valid for 7 days;

(2) The certification shall continue in force if a licensed physician provides written notice of the medical emergency to the utility within 7 days of certification by telephone; and

(3) Written certification shall be renewable monthly provided that the customer enters into and complies with the terms of a payment arrangement pursuant to Puc 1203.07.

(j) A utility which intends to terminate service of a customer with a medical emergency currently certified pursuant to this section for failure to enter into or comply with the terms of a payment arrangement pursuant to (i)(3) above, shall notify the commission no fewer than 5 business days prior to termination.

Source. #2011, eff 5-4-82; amd by #2125, eff 8-19-82; ss by #2912, eff 11-26-84; ss by #5000, eff 11-26-90; ss and moved by #6245, eff 5-14-96 (from Puc 403.06); ss by #6381, INTERIM, eff 11-27-96, EXPIRED: 3-27-97

New. #6512, eff 5-21-97

### Puc 403.04 Notice of Disconnection.

(a) A utility shall not, except pursuant to Puc 403.03(g), disconnect any customer's service unless the utility sends the customer written notice of the utility's intention to disconnect, mailed at least 12 days in advance of the date of the proposed disconnection.

(b) A utility shall not mail the disconnect notice referred to in (a) above to the customer fewer than 30 days after the date the original bill is mailed by the utility.

(c) The utility may disconnect service on a disconnect date scheduled pursuant to this section, unless the bill is paid or arrangements to pay the bill are made prior to disconnection.

(d) Utilities shall disconnect service for non-payment:

(1) Only from 8 a.m. to 3 p.m. on any business day; and

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(2) Except as provided in (j) below, not:

a. On, or on the day preceding a state or federal holiday; or

b. On any day preceding a day that the utility's business office is closed.

(e) Before disconnection, the utility shall attempt to notify an adult occupant of the premises by the telephone.

(f) If a utility employee or agent visits the premises to disconnect, that employee shall notify an adult occupant of the premises or, if no adult is at the premises, leave a note as to how the customer may be reconnected.

(g) If the utility sends an employee to the customer's premises for the purpose of disconnecting service and the customer tenders payment in full of the bill to prevent disconnection, the employee shall:

(1) Either accept payment, give a receipt and leave the service connected; or

(2) Without disconnecting, direct the customer to go immediately to the utility's nearest office and tender payment there.

(h) The employee or agent visiting the customer's residence for purpose of effecting disconnection, as provided in (g) above, shall know the full amount to be paid but shall not be required to make change or negotiate payment arrangements.

(i) The utility shall be required to follow the procedures outlined in (f), (g) and (h) above on any specific customer account no more than twice in any 12 month period.

(j) A utility may conduct a disconnection at times other than those permitted pursuant to (d) above if:

(1) The customer has agreed to arrangements to disconnect; or

(2) The utility must enter the premises to disconnect service and the utility has access to the premises only during times other than those permitted by (d)(1) above.

(k) Every utility shall maintain records showing the annual number of disconnect notices sent out and the number of actual disconnections for non-payment.

(l) Any disconnect notice which a utility sends to a customer pursuant to Puc 400 shall set forth in clear, concise and conspicuously printed words, the following information:

(1) The name and mailing address of the customer;

(2) The account number;

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- (3) The date scheduled for disconnection of service;
- (4) The reason for the disconnection of service including the overdue amount;
- (5) The possible consequences of disconnection, such as deposit requirement, reconnection fee, and/or any other similar consequences;
- (6) The address and telephone number at which the customer may contact the utility;
- (7) The toll-free telephone number of the commission's consumer assistance department, which is: 1-800-852-3793;
- (8) Where charges for telephone advertising or telephone equipment are included in the overdue amount, a statement as follows:

"A customer's service can be disconnected for unpaid usage charges but cannot be disconnected solely because of unpaid telephone advertising or telephone equipment charges."
- (9) The method by which the customer may question or contest the disconnection notice, preceded in conspicuous type by the words "Important Notice--Your Rights"; and
- (10) Any additional data which the utility deems pertinent.

Source. #2011, eff 5-4-82; ss by #2912, eff 11-26-84; ss by #5000, eff 11-26-90; ss and moved by #6245, eff 5-14-96 (from Puc 403.07); ss by #6381, INTERIM, eff 11-27-96, EXPIRED: 3-27-97

New. #6512, eff 5-21-97 (from Puc 403.03)

### Puc 403.05 Disconnection Conferences with Customer.

- (a) A utility shall provide a formal conference with the customer if the customer requests such a conference prior to the proposed date of disconnection of service specified in the disconnect notice.
- (b) If a customer contacts the utility on the scheduled disconnection date requesting a conference, the customer shall not be entitled to a conference with the utility.
- (c) If a customer contacts the utility either one or 2 days prior to the scheduled disconnection date requesting a conference, the utility shall schedule a conference no later than 3 business days after the request.
- (d) If the customer contacts the utility as provided in (a) and (c) above and schedules a conference, the utility shall not disconnect service until the utility has notified the customer of the outcome of the conference.

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- (e) The customer may select whether the conference is conducted in person or by telephone.
- (f) During the conference if the customer and the utility cannot agree on a resolution the utility shall inform the customer of the customer's right to request a conference with the commission staff.
- (g) In order to request a conference with the commission staff, a customer shall:
  - (1) File the request with the commission before the later of:
    - a. The scheduled disconnection date; or
    - b. Within 5 business days after the utility notifies the customer of the outcome of the utility's conference with the customer; and
  - (2) Make its request to the commission in writing, in person, or by telephone.
- (h) Each utility shall summarize on the customer record any conference with a customer, indicating the outcome of such conference.
- (i) Upon the customer's request for a conference with the commission pursuant to (g) above:
  - (1) The commission shall notify the utility of the customer's timely filed request;
  - (2) The utility shall forward to the commission a copy of that portion of the customer's record summarizing the conference and indicating the outcome of the conference; and
  - (3) The utility shall not disconnect service until the commission notifies the utility of the outcome of the commission staff's conference with the customer.
- (j) If a customer files a written petition for a hearing before the commission pursuant to Puc 204, and the commission accepts the filing, the utility shall continue service to the customer until such time as the commission determines whether disconnection is justified.

Source. #6512, eff 5-21-97 (from Puc 403.03)

### Puc 403.06 Disconnection of Non-residential Customer.

- (a) A utility may require that a non-residential customer shall:
  - (1) Give notice to the utility of the customer's intention to discontinue service; and
  - (2) Be responsible for all charges until expiration of the notice period referred to in (1) above.
- (b) A utility shall, before disconnecting the service of a non-residential customer, do the following:

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(1) No earlier than 30 days from the date the bill is mailed by the utility, send a written notice of disconnection to the customer which has not paid its bill; and

(2) Provide the customer no less than 5 days notice of the scheduled disconnection.

(c) A utility may disconnect the service of a customer who has violated a rule established in the utility's approved tariff, but only after the utility has given the customer no fewer than 5 days written notice of the scheduled disconnection, as follows:

(1) In the form as required by (f) below; and

(2) Including a description of the rule which the customer has violated and how the rule has been violated.

(d) In lieu of disconnection, or upon reconnection, the utility may require payments at less than monthly intervals.

(e) If service is discontinued for non-payment, the utility may make a charge for reconnection in accordance with the utility's approved tariff or rate schedule.

(f) A utility shall send written notice of disconnection to a non-residential customer, except as provided in (g) below, that shall include the items contained in Puc 403.04(1).

(g) A utility may disconnect a non-residential customer without giving the notice required in (f) above, in the following events:

(1) When the customer has undertaken an action or a situation has been created with respect to the customer's utility service which creates a danger to life or immediate risk of significant property loss and disconnection will lessen or eliminate the risk or danger; or

(2) When the utility determines that the customer has engaged in fraudulent use of its telephone service.

Source. #6512, eff 5-21-97 (from Puc 403.03)

### Puc 403.07 Disconnection of Associated Tariffed Services.

(a) "Associated service" means, in addition to an existing telephone line, a separate existing telephone line provided by the same provider to the same customer at the same location for the same classification of service.

(b) A utility may disconnect a customer's associated service, provided that the utility complies with the disconnection requirements of Puc 403, if the utility:

(1) Provides a statement to the customer on the disconnection notice:

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- a. Conspicuously notifying the customer that disconnection of an associated service may occur as a result of an event for which disconnection could occur at the customer's other service(s); and
  - b. Clearly and conspicuously stating that the associated service that may be disconnected; and
- (2) Provides terms and conditions in its approved tariff for disconnection based on associated services.
- (c) No utility shall charge, pursuant to Puc 403.03(f), for reconnection of associated service.

Source. #6512, eff 5-21-97 (from Puc 403.04); ss by #7283, eff 5-23-00

### Puc 403.08 Bill Forms.

- (a) Bills shall be rendered at regular intervals that shall end on the corresponding day of each month.
- (b) Each bill shall show all factors as are necessary, so that the charges may be readily understood from the information appearing on the bill.
- (c) Each bill shall indicate the following:
  - (1) The date of the current bill;
  - (2) For those utilities which charge interest and/or late charges after the due date:
    - a. The due date, which, pursuant to Puc 403.03(d)(1), shall be no fewer than 25 days from the date the bill is mailed by the utility; and
    - b. Any applicable penalty approved in the utility's tariff or rate schedule, as applicable; and
  - (3) Any applicable discount.

Source. #6512, eff 5-21-97 (from Puc 403.04) renumbered by #7283 (formerly Puc 403.07)

### Puc 403.09 Notice to Customers of Rate Increase.

- (a) All utilities that file an application with the commission for any rate increase shall send to each affected customer a clear and concise notice of the proposed rate schedules.
- (b) The utility shall provide the notice required by (a) above to affected customers as follows:
  - (1) By notice conspicuously written on the customer's bill;

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(2) By bill insert; or

(3) By direct separate mailing.

(c) If the commission issues an order setting forth requirements for written notice which specifically waives, pursuant to Puc 201.05, the provisions of (b) above, the utility shall provide notice as set forth in the order.

(d) The utility shall provide the notice to customers required by (a) and (b) above no later than 30 days following the date of filing.

(e) If the commission orders a rate increase, at any time up to and including 30 days following the date the bill or other written notice notifying the customer of the rate increase is rendered, any affected customer may request discontinuation of the relevant service and automatically receive an adjustment in the amount of the increase, retroactive to the effective date of the rate increase.

Source. #7283, eff 5-23-00 (formerly Puc 403.08)

Puc 403.10 Third Party Billing. A CTP which provides third party billing of toll charges shall, prior to allowing a third party customer to be billed for a charge to be incurred, require its operators to verify the agreement of the third party customer to accept liability for the charge to be incurred.

Source. #7283, eff 5-23-00

### PART Puc 404 QUALITY OF SERVICE

Puc 404.01 Grades of Service. The standard grade of new service shall be one-party service.

Source. #2011, eff 5-4-82; ss by #2912, eff 11-26-84; ss by #5000, eff 11-26-90; ss by #6381, INTERIM, eff 11-27-96, EXPIRED: 3-27-97

New. #6512, eff 5-21-97

Puc 404.02 Adequacy of Service.

(a) Each exchange shall have sufficient equipment to handle traffic.

(b) Traffic studies shall be made and recorded to the extent and frequency required to determine that sufficient equipment is in use.

Source. #2011, eff 5-4-82; ss by #2912, eff 11-26-84; ss by #5000, eff 11-26-90; ss by #6381, INTERIM, eff 11-27-96, EXPIRED: 3-27-97

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New. #6512, eff 5-21-97

Puc 404.03 Operator and Directory Assistance Answering Time.

- (a) At least 90% of all operator and directory assistance calls shall be answered within 10 seconds.
- (b) At least 50% of operator and directory assistance calls shall be answered within 3 seconds.

Source. #2011, eff 5-4-82; ss by #2912, eff 11-26-84; ss by #5000, eff 11-26-90; ss by #6381, INTERIM, eff 11-27-96, EXPIRED: 3-27-97

New. #6512, eff 5-21-97

Puc 404.04 Dial Service.

(a) A utility shall provide sufficient central office capacity and equipment to meet the following minimum requirements during any normal busy hour:

- (1) Dial tone within 3 seconds on at least 98% of telephone calls; and
- (2) Complete dialing of called numbers on at least 97% of telephone calls without encountering a busy condition within the intra-utility, inter-office trunks.

(b) For purposes of (a) above, a "normal busy hour" means the hour during which the utility carries the most calls on any normal business day.

(c) Each utility shall adopt and enforce, or make good faith efforts to assure that any entity to which it subcontracts such services adopts and enforces, written methods and procedures for telephone operators and directory assistance personnel.

Source. #2011, eff 5-4-82; ss by #2912, eff 11-26-84; ss by #5000, eff 11-26-90; ss by #6381, INTERIM, eff 11-27-96, EXPIRED: 3-27-97

New. #6512, eff 5-21-97

Puc 404.05 Confidentiality Requirements.

- (a) All communications between customers of utilities shall be deemed confidential.
- (b) No utility operators, employees or agents shall, except when a technical necessity exists:
  - (1) Listen to any telephone conversation between customers; or

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(2) Monitor the content of non-voice communication such as data.

(c) Employees, including operators and agents of a utility, shall not repeat, divulge or use to any personal advantage or in any improper or illegal manner, any communication overheard or intercepted in any way, from or regarding, any telephone communication, including non-voice communication, to or from a customer of the utility.

(d) Each utility shall develop and enforce written methods and procedures to establish strict compliance with customer confidentiality rules on the part of their employees and agents.

Source. #2011, eff 5-4-82; ss by #2912, eff 11-26-84; ss by #5000, eff 11-26-90; ss by #6381, INTERIM, eff 11-27-96, EXPIRED: 3-27-97

New. #6512, eff 5-21-97

### Puc 404.06 Emergency Operation.

(a) Each utility shall make reasonable provisions to meet emergencies resulting from any of the following:

- (1) Failures of commercial power service;
- (2) Sudden and prolonged increases in traffic;
- (3) Illness or labor unrest of employees;
- (4) Failure of a supplier to deliver materials or supplies; or
- (5) Fire, storms or acts of God, to the extent that the magnitude or duration is foreseeable.

(b) Each utility shall establish plans and procedures and issue instructions to its employees and agents to be followed in the event of an emergency in order to prevent or mitigate interruptions or impairment of telephone service.

(c) The preparations required by (b) above shall include plans and procedures for operations under extreme, severe or adverse conditions, such as natural disasters, strike, labor unrest, civil unrest or supplier disruption.

Source. #2011, eff 5-4-82; ss by #2912, eff 11-26-84; ss by #5000, eff 11-26-90; ss by #6381, INTERIM, eff 11-27-96, EXPIRED: 3-27-97

New. #6512, eff 5-21-97

### Puc 404.07 Interruptions of Service.

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- (a) Each utility shall keep a record of all interruptions or acute malfunction of service.
- (b) The record required by (a) above shall show:
  - (1) The date and time at which the interruption or irregularity occurred or is reported;
  - (2) The nature of the trouble; and
  - (3) The date and time cleared.
- (c) When a customer's telephone service is reported or found to be out of order or degraded, the utility shall restore the service as promptly as possible.
- (d) A utility shall refund, to an affected customer, the pro rata part of that month's flat-rated charges for the period of days during which telephone service was not available, when a utility is aware of the following:
  - (1) The utility has not cleared a trouble report from a customer within 24 hours; or
  - (2) The utility has not cleared, within 24 hours:
    - a. An internal report; or
    - b. An alarm of trouble affecting a specific customer or customers.
- (e) The refund required by (d) above may be accomplished by a credit on a subsequent bill of the customer for telephone service.

Source. #2011, eff 5-4-82; ss by #2912, eff 11-26-84; ss by #5000, eff 11-26-90; ss by #6245, eff 5-14-96; ss by #6381, INTERIM, eff 11-27-96, EXPIRED: 3-27-97

New. #6512, eff 5-21-97

### PART Puc 405 EQUIPMENT AND FACILITIES

#### Puc 405.01 Construction and Maintenance of Plant Equipment.

- (a) Each utility shall construct and install its plant, structures, equipment and lines in accordance with the National Electrical Safety Code, the National Electrical Code and other recognized authorities.
- (b) Each utility shall construct and install its plant, structures, equipment and lines to prevent interference with service furnished by other public service facilities, such as cable, fire alarm, electric, water, sewer, gas or steam facilities.

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(c) Each utility shall periodically test, inspect, and perform preventive maintenance designed to achieve efficient, safe, adequate and continuous operation of its system.

(d) Each utility shall monitor, inspect, test at regular intervals, repair, adjust and replace the following equipment and facilities as needed:

- (1) Central office equipment including all switching equipment;
- (2) Interoffice and transmission equipment; and
- (3) Local loop facilities.

(e) Each utility shall preserve records of any tests and inspections required by Puc 400 pursuant to Puc 406.01 and Puc 406.03.

(f) A utility shall provide in its records and report as to all test and inspection records required by this chapter the following:

- (1) The equipment tested or inspected;
- (2) The reason for the test or inspection;
- (3) The general conditions under which the test or inspection was made;
- (4) The general result of the test; and
- (5) Any corrections which were made when the test or inspection indicated need for same.

Source. #2011, eff 5-4-82; ss by #2912, eff 11-26-84; ss by #5000, eff 11-26-90; ss by #6381, INTERIM, eff 11-27-96, EXPIRED: 3-27-97

New. #6512, eff 5-21-97

Puc 405.02 Grounded Circuits. Grounded circuits shall not be permitted, except for ringing purposes.

Source. #2011, eff 5-4-82; ss by #2912, eff 11-26-84; ss by #5000, eff 11-26-90; ss by #6381, INTERIM, eff 11-27-96, EXPIRED: 3-27-97

New. #6512, eff 5-21-97

Puc 405.03 Trunk Lines.

(a) A utility shall provide sufficient interoffice channels to handle the traffic without delay.

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(b) A utility shall provide interchange trunks, whether ELS or toll, which shall be engineered on the basis of not exceeding one busy signal per 100 calls excluding the busy hour.

Source. #2011, eff 5-4-82; ss by #2912, eff 11-26-84; ss by #5000, eff 11-26-90; ss by #6381, INTERIM, eff 11-27-96, EXPIRED: 3-27-97

New. #6512, eff 5-21-97

### Puc 405.04 Directories.

(a) A utility shall regularly publish, or arrange to be published, one or more telephone directories so as to cover all exchanges which it serves, listing the name, address and telephone number of all customers who can be called in the local service area.

(b) A utility shall provide a copy of the directory to each customer.

(c) All utilities shall revise telephone directories annually.

(d) In case of an error or omission in the directory listings for which a customer is not charged, a utility shall provide an adjustment to the customers' bill which shall not exceed one-half of the basic monthly service charges during the period covered by the directory.

(e) In case of errors or omissions in the listings for which customers are charged, a utility shall provide adjustments in the customers bill which shall not exceed the total charges for such listing.

(f) In the event of an error in the listed number of any customer, and until a new directory is published, the utility shall intercept, if possible, all calls to the listed number and give the calling party the correct number of the party being called.

(g) In the event of an error in the name or address listing of any customer, the utility shall include such customer's correct name, address and telephone number in the files and applicable databases of the information operator and shall furnish this information to every caller upon request.

(h) Whenever any customer's telephone number is changed for any reason after a directory is published, and until a new directory is issued, unless the customer requests otherwise, the utility shall:

- (1) Intercept all calls to the former number for a period of no fewer than 90 days and give the calling party the new number for that customer;
- (2) Maintain the correct number in its directory assistance listings; and
- (3) Furnished the correct number to any caller upon request.

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Source. #2011, eff 5-4-82; ss by #2912, eff 11-26-84; ss by #5000, eff 11-26-90; ss by #6381, INTERIM, eff 11-27-96, EXPIRED: 3-27-97

New. #6512, eff 5-21-97

### Puc 405.05 Safety Instructions.

(a) Each utility shall adopt instructions for the safety of employees and agents and shall institute practices and programs to ensure that such employees and agents have been properly informed of safe practices and are cognizant of all hazards involved.

(b) Each telephone utility shall instruct its employees engaged in line construction, where pole facilities are used jointly with an electric utility, in the practice and use of accepted rules for resuscitation from electric shock.

(c) Each utility shall provide copies of procedures developed pursuant to this section to each such employee or agent.

Source. #2011, eff 5-4-82; ss by #2912, eff 11-26-84; ss by #5000, eff 11-26-90; ss by #6381, INTERIM, eff 11-27-96, EXPIRED: 3-27-97

New. #6512, eff 5-21-97

### Puc 405.06 Accidents.

(a) Each utility shall notify the commission immediately by telephone, pursuant to (b) below, when it becomes aware that a significant accident has occurred in connection with its property, facilities or service in which:

- (1) A fatality has occurred;
- (2) An electrical contact has occurred; or
- (3) Damage to the utility's facilities has occurred which interrupts service of an entire telephone exchange for a period of 15 minutes or longer.

(b) When an accident occurs as described in (a) above, each utility shall notify the commission as follows:

- (1) Attempt to contact the first commission representative listed on the "Protocol Roster", described in (c) below, either at the commission telephone number during regular commission hours or at their after-hours number outside of regular commission hours;

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(2) Except as provided in (5) below, proceed sequentially through the roster attempting to contact a commission representative as described in (1) above;

(3) Except as provided in (5) below, notify the commission as follows:

a. Call the commission general telephone listing, provided in the "Protocol Roster", and leave a voice mail message:

1. Identifying the utility and the name and return telephone number of the individual attempting to report; and

2. Stating that an accident requiring notification has occurred and will be reported when the commission next opens; and

b. As soon as possible during regular commission hours, contact the first person listed on the "Protocol Roster", described in (c)(1) below, and proceed sequentially through the roster;

(4) When the utility is first able to speak to a commission representative listed on the "Protocol Roster" as required by this section, the utility shall notify the representative of the following:

a. The name of the utility;

b. The name of the person making the report and the telephone number at which they can be called back;

c. A brief description of the accident or event and location;

d. A description of any fatalities, personal injuries and damages;

e. Any other information relevant to the cause of the accident and the extent of the damages; and

f. The time at which:

1. The accident or event occurred; and

2. The utility was first notified of the accident or event; and

(5) A utility shall not be required to conduct any further notification action required pursuant to (1), (2) and (3) above once a utility representative:

a. Speaks to a commission representative listed on the "Protocol Roster"; and

b. Communicates to the commission representative the information required by (4) above.

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(c) The commission shall issue a "Protocol Roster" which shall:

- (1) List commission representatives together with their after work-hours telephone contact numbers;
- (2) List the general commission telephone number;
- (3) Be updated by the commission when any change occurs; and
- (4) Be provided by the commission to any utility requesting notification thereof, when the roster is developed and when any changes occur.

(d) Each utility shall notify the commission by telephone, as provided in (f) and (g) below, when it becomes aware that an accident, as described in (e) below, has occurred in connection with its property, facilities or service.

(e) For purposes of (d) above, an accident means an accident which:

- (1) Involves telephone cable clearances;
- (2) Involves aircraft, trains or large boats;
- (3) Results in closure of a state highway;
- (4) Is likely to be, or has been, reported on network television;
- (5) Is of a magnitude or severity which requires the utility to obtain external assistance from another utility or outside contractor such as in response to major storm damage; or
- (6) Involves consequences of a magnitude or severity comparable to those described in (1) through (5) above.

(f) Each utility shall report an accident pursuant to (d) above, providing the information required by (b)(3) above, by telephone to a commission representative, starting from the beginning of the "Protocol Roster" described in (c)(1) above and proceeding sequentially through the roster until a commission representative is notified.

(g) Each utility shall report an accident pursuant to (d) above to the commission during regular commission hours:

- (1) On the day of the accident or event, if possible; or
- (2) During the next business day.

(h) Each utility shall report in writing any accident or event requiring notification pursuant to (a) or (d) above, by completing and submitting to the commission:

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(1) Form E-5, within 10 business days of notification of the accident or event; and

(2) A detailed written report, referencing the original E-5 report number, containing any applicable supportive documentation not provided in the original E-5 report, within 60 days of notification of the accident or event.

(i) Each utility shall report, pursuant to (j) below, to the commission any accident of which it is aware in which any pole(s) or anchor(s) involved in the accident owned by the utility were unlicensed or in a location other than the licensed location, except any accident which the utility has reported pursuant to (h) above.

(j) Each utility shall provide the commission, pursuant to (i) above, within 10 business days following the conclusion of each calendar quarter on form E-5, together with all applicable supportive documentation, a report of the accident.

Source. #2011, eff 5-4-82; ss by #2912, eff 11-26-84; ss by #5000, eff 11-26-90; ss by #6381, INTERIM, eff 11-27-96, EXPIRED: 3-27-97

New. #6512, eff 5-21-97

Puc 405.07 Commission Inspections. Each utility shall allow and assist the commission when it shall from time to time inspect the works and system of each utility and the manner in which each such utility has conformed to statutes and commission rules and orders.

Source. #2011, eff 5-4-82; ss by #2912, eff 11-26-84; ss by #5000, eff 11-26-90; ss by #6381, INTERIM, eff 11-27-96, EXPIRED: 3-27-97

New. #6512, eff 5-21-97

Puc 405.08 Uniform Utility Damage Prevention Program. All utilities shall comply with Puc 800, the underground utility damage prevention program rules.

Source. #2549, eff 12-26-83; ss by #2912, eff 11-26-84; ss by #5000, eff 11-26-90; ss by #5616, eff 4-20-93; ss by #6381, INTERIM, eff 11-27-96, EXPIRED: 3-27-97

New. #6512, eff 5-21-97

### PART Puc 406 RECORDS, REPORTS AND SHORT TERM DEBT

Puc 406.01 Preservation of Records.

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(a) Each utility shall preserve all records required by Puc 200, 400 and 1600 for a period of 2 years unless a stricter requirement is specified in this section or in Puc 406.03.

(b) Each utility shall make available the records required to be preserved pursuant to (a) above, to the commission staff or its designated representative for examination during the utility's normal business hours.

(c) Nothing in this section shall preempt requirements prohibiting destruction of records contained in regulations of the Federal Communications Commission on the Preservation of Records of Communication Common Carriers and as referred to in § 409.01(h) of the uniform system of accounts established at Puc 406.03.

(d) A utility which maintains an office within New Hampshire shall provide the commission or its representative access to its records for examination at such designated location.

(e) A utility which does not maintain an office within New Hampshire shall provide any records requested by the commission at the office of the commission.

Source. #2011, eff 5-4-82; ss by #2912, eff 11-26-84; ss by #5000, eff 11-26-90; ss by #6381, INTERIM, eff 11-27-96, EXPIRED: 3-27-97

New. #6512, eff 5-21-97

Puc 406.02 Reports to Commission. Each utility shall file periodic reports with the commission as required by Puc 407. (See Part Puc 407).

Source. #2011, eff 5-4-82; ss by #2912, eff 11-26-84; ss by #5000, eff 11-26-90; ss by #6381, INTERIM, eff 11-27-96, EXPIRED: 3-27-97

New. #6512, eff 5-21-97

### Puc 406.03 Uniform System of Accounts.

(a) Pursuant to RSA 374:8, the commission establishes and designates the "Uniform System of Accounts for Telecommunications Companies" as a uniform system of accounts.

(b) Each utility shall maintain and preserve its accounts and records in conformity with the "Uniform System of Accounts for Telecommunications Companies".

Source. #2011, eff 5-4-82; ss by #2912, eff 11-26-84; ss by #4378, eff 3-1-88; ss by #5000, eff 11-26-90; ss by #6381, INTERIM, eff 11-27-96, EXPIRED: 3-27-97

New. (See Revision Note below) #6512, eff 5-21-97 (formerly Puc 409)

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### REVISION NOTE:

Document #6512, effective May 21, 1997, removed the former Puc 409 entitled "Uniform System of Accounts for Telecommunication Companies" and replaced it with Puc 406.03. The former Puc 409 had been last filed under Document #5795, effective 2-28-94.

Pursuant to RSA 374:8, II and RSA 541-A:21, I(q), as amended effective 7-23-94 by 1994, 193:3 and 193:4, the uniform system of accounts (USOA) for regulated utilities as referenced in Puc 406.03 became exempt from the rulemaking requirements of RSA 541-A. The text of the USOA is not included in Puc 406.03 above because the publication requirement for rules in RSA 541-A:15, I does not apply.

By Order No. 21,310 dated August 8, 1994, the New Hampshire Public Utilities Commission (Commission) ordered, because of 1994, 193, that the USOAs, including the USOA for telecommunication companies, "shall remain in effect until such time as the Commission shall prescribe, amend, rescind or otherwise affect the USOAs currently prescribed for regulated utilities".

The Commission must still file in the Office of Legislative Services a copy of all USOA rules adopted, amended or repealed under RSA 374:8. The text of the USOA for telecommunication companies subject to Order No. 21,310 was last filed in Document #6622.

A copy of the USOA as referenced in Puc 406.03 may be obtained at the New Hampshire Public Utilities Commission, 8 Old Suncook Road, Concord, New Hampshire 03301.

Puc 406.04 Short Term Debt. No utility shall issue or renew any notes, bonds or other evidence of indebtedness payable less than 12 months after the date thereof if said short term debt exceeds 10% of the net depreciated value of the utility's plant.

Source. #2011, eff 5-4-82; ss by #2912, eff 11-26-84; ss by #4378, eff 3-1-88; ss by #5000, eff 11-26-90; ss by #6381, INTERIM, eff 11-27-96, EXPIRED: 3-27-97

New. #6512, eff 5-21-97

### PART Puc 407 FORMS REQUIRED OF ALL UTILITIES

#### Puc 407.01 E-5 Utility Accident Report.

(a) Each utility shall report any accident to the commission by submitting an E-5 accident reporting form pursuant to Puc 405.06.

(b) Each utility shall include on form E-5 the following:

- (1) A designation as to whether the report is a 10 day report or a quarterly report;
- (2) The report number and date of the report;

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- (3) The name of the reporting utility;
- (4) The date and location of the accident;
- (5) An indication of whether the accident resulted in loss of service for an entire telephone exchange for 15 minutes or longer;
- (6) A description of the cause of the accident;
- (7) A description of the extent of any property damage;
- (8) The name of the injured person;
- (9) The injured person's relationship to the utility, if any;
- (10) A description of the nature of injuries;
- (11) An indication of whether the accident involved electric contact;
- (12) An indication of whether any injury was fatal;
- (13) The date of death of any person, if applicable;
- (14) A previous report number, if applicable;
- (15) An indication of whether any pole and/or any anchor(s) supporting any pole involved in the accident was:
  - a. Licensed; and
  - b. Properly located;
- (16) If the location of any pole and/or anchor(s) supporting any pole involved in the accident are other than as licensed, diagrams of the locations of the pole and/or anchor(s):
  - a. As they are licensed; and
  - b. As they were actually located at the time of the accident;
- (17) A diagram of the accident;
- (18) A police report of the accident, if available;
- (19) A doctor's report on any injured person, if available; and

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(20) Signature and title of the utility official filing the report.

Source. #2011, eff 5-4-82; ss by #2912, eff 11-26-84; ss by #5000, eff 11-26-90; ss by #6381, INTERIM, eff 11-27-96, EXPIRED: 3-27-97

New. #6512, eff 5-21-97

Puc 407.02 E-20-A - A Report of Changes in Fixed Capital.

(a) Each utility shall file form E-20-A annually with the commission within 4 months of the close of its fiscal year giving notice of any change in fixed capital.

(b) Utilities shall include on form E-20-A the following:

- (1) The company account number;
- (2) District;
- (3) Unit description by exchange;
- (4) Quantity and costs to additions; and
- (5) Quantity and costs of retirements.

Source. #2011, eff 5-4-82; ss by #2912, eff 11-26-84; ss by #5000, eff 11-26-90; ss by #6381, INTERIM, eff 11-27-96, EXPIRED: 3-27-97

New. #6512, eff 5-21-97

Puc 407.03 E-22 Report of Proposed Expenditures for Additions, Extensions and Capital Improvements to Fixed Capital.

(a) Every utility shall file a form E-22 report with the commission when the probable cost of any addition, extension or capital improvement to its utility plant will exceed reportable amounts set forth in Table 5.9.1 below.

Table 5.9.1 Reportable Amounts by Utility Plant Range

UTILITY PLANT RANGE	REPORTABLE AMOUNT
\$ 400,000 and under	\$ 5,000
400,001 to \$ 1,000,000	10,000
1,000,001 to 2,000,000	15,000

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2,000,001 to 3,000,000	22,500
3,000,001 to 50,000,000	30,000
50,000,001 to 100,000,000	50,000
100,000,001 and over	100,000

(b) The reportable amount, for purposes of (a) above, shall be based on the gross fixed capital, as of December 31st of the calendar year immediately preceding.

(c) The reporting limits established in (a) above shall apply to total project cost including contributions in aid of construction.

(d) For purposes of paragraph (a), filing with the commission shall consist of:

- (1) A completed E-22 form; or
- (2) With written approval of the commission, a construction budget.

(e) A utility shall include on form E-22:

- (1) The location of the proposed expenditure;
- (2) A description of the proposed addition, extension or capital improvement;
- (3) The estimated start and finish dates of construction;
- (4) The estimated cost of each element of the proposed addition; and
- (5) The signature of the official at the utility authorized to submit the E-22 report.

(f) The commission shall accept a construction budget in place of the E-22 report described in (a) above if the proposed construction budget:

- (1) Covers a period of one year or less;
- (2) Provides a level of detail sufficient to allow the commission to assess and understand all costs involved with the proposed project;
- (3) Highlights all projects above the utility's reporting limit; and
- (4) Identifies potential project-specific issues.

(g) A utility shall file an original and duplicate copy with the commission engineering department as follows:

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(1) An individual E-22 form no fewer than 30 days before starting actual construction or expenditure of funds; or

(2) A construction budget no fewer than 60 days before starting actual construction or expenditure of funds.

(h) If the cost of a project is anticipated to fall below the applicable reporting limit but later exceeds it, the utility shall immediately file an E-22 form at whatever time or phase of the project it becomes apparent the limit will be exceeded. This requirement shall include projects listed in a construction budget but not highlighted in accordance with paragraph (f)(3).

(i) If a project not included in an accepted construction budget arises which will exceed the utility's reporting limit, the utility shall file an E-22 form.

(j) Investigation of or comment on a construction budget or E22 by the commission or failure of the staff to identify prudence review issues as described in paragraph (k) below, shall not constitute a final prudence review and the commission shall not be precluded from analyzing the merit of any expenditure in a future rate case.

(k) The commission shall notify a utility when it identifies prudence review issues, which it would raise as part of a rate case, in connection with notice of a proposed expenditure under this section.

Source. #2011, eff 5-4-82; ss by #2912, eff 11-26-84; ss by #5000, eff 11-26-90; ss by #6381, INTERIM, eff 11-27-96, EXPIRED: 3-27-97

New. #6512, eff 5-21-97

### Puc 407.04 E-25 Report of Proposed Changes in Depreciation Rates.

(a) Each utility shall file Form E-25 when it proposes any change in depreciation rates.

(b) Form E-25 shall include:

- (1) Name of the company;
- (2) Date;
- (3) Account number and title;
- (4) Estimated life, both present and proposed, in years;
- (5) Net salvage, both present and proposed, by percentage;
- (6) Depreciation rate, both present and proposed, by percentage;

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(7) Net annual change in dollars; and

(8) Justification and supportive documentation.

(c) A utility shall not implement any change in depreciation rates until the proposed change has been approved by the commission.

Source. #2011, eff 5-4-82; ss by #2912, eff 11-26-84; ss by #5000, eff 11-26-90; ss by #6381, INTERIM, eff 11-27-96, EXPIRED: 3-27-97

New. #6512, eff 5-21-97

Puc 407.05 E-26T Report of Customer Troubles.

(a) Each utility shall file once each month an E-26T report summarizing complaints reported by customers of the utility on quality of service standards.

(b) The utility shall include on the "Report of Customer Troubles":

(1) The total number of reports of trouble made to the utility during the month;

(2) The total number of access lines affected by the trouble reported during the month;

(3) The number of calculated customer trouble reports per 100 access lines of the utility; and

(4) Total figures for troubles reported:

a. For which the utility was responsible; and

b. Which the utility referred to another carrier for corrective action such as to an interexchange carrier.

Source. #2011, eff 5-4-82; ss by #2912, eff 11-26-84; ss by #5000, eff 11-26-90; ss by #6381, INTERIM, eff 11-27-96, EXPIRED: 3-27-97

New. #6512, eff 5-21-97

Puc 407.06 F-1B - Quarterly Statement of Operations.

(a) Any utility which does not file a statement of operations with the commission on a monthly basis shall file form F-1B on a quarterly basis.

(b) Utilities shall include in form F-1B:

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- (1) A statement of operations that summarizes operating revenues and expenses of the utility for the current quarter and year to date;
- (2) A balance sheet listing the assets, liabilities and capital as of the last day of the period; and
- (3) A statement of retained earnings that reconciles the change in retained earnings balance from the beginning period to the ending period.

Source. #2011, eff 5-4-82; ss by #2912, eff 11-26-84; ss by #5000, eff 11-26-90; ss by #6381, INTERIM, eff 11-27-96, EXPIRED: 3-27-97

New. #6512, eff 5-21-97

Puc 407.07 F-2 Disposition of Proceeds from Sale of Securities.

(a) Any utility which has securities outstanding shall on January 1 and on July 1 of each year, file form F-2 with the commission.

(b) Utilities shall include on Form F-2 a detailed account showing:

- (1) The sale of securities and the disposition of the proceeds, if any;
- (2) The period encompassed by the report;
- (3) The docket case and order number authorizing said sale; and
- (4) A detail of receipts for securities sold during this period which shall include the following:
  - a. Date;
  - b. Name of purchaser;
  - c. Par value amount;
  - d. Discount or premium percentage;
  - e. Proceeds amount;
  - f. Balance of proceeds undisposed at the beginning of the period covered;
  - g. Total proceeds to account for; and
  - h. The certification statement described in (c) below; and

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(5) Detail of expenditures including:

- a. Date of expenditure;
- b. Purpose of expenditure;
- c. Amount of expenditure; and
- d. Balance of proceeds undisposed of at the end of the period covered.

(c) Utilities shall include on form F-2 a statement executed by an authorized official of the utility which provides as follows:

"None of the proceeds have been applied to purposes not authorized in said order. The statements and contents of the foregoing are accurate and true, to the best of my knowledge, information and belief."

(d) The certification statement contained in (c) above shall be:

- (1) Signed and sworn to under oath by the utility by its president or other chief officer or treasurer or other officer in charge of accounts.
- (2) Notarized by a notary official in conformance with New Hampshire law; and
- (3) Dated.

Source. #2011, eff 5-4-82; ss by #2912, eff 11-26-84; ss by #5000, eff 11-26-90; ss by #6381, INTERIM, eff 11-27-96, EXPIRED: 3-27-97

New. #6512, eff 5-21-97

Puc 407.08 F-4 Petition For Authority To Issue Securities.

- (a) Each utility shall file form F-4 with the commission when it seeks authority to issue securities.
- (b) Each utility shall include on form F-4 the following:

(1) A petition which shall include:

- a. A caption;
- b. Description of authorized and outstanding long term debt and capital stock;

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- c. Amount of short term notes outstanding;
  - d. Description of new securities;
  - e. Description of what proceeds will be used for;
  - f. List of exhibits attached;
  - g. Certification statement as contained in (d) below; and
  - h. Petitioner's prayer asking for the relief requested;
- (2) Application for leave to issue securities pursuant to RSA 369:3 including a statement in reasonable detail of any proposed additions, construction or working capital requirements together with any proposed construction budget;
- (3) Form titled, "Estimated Cost of Financing", showing the estimated cost of financing including, for example, legal costs, printing, documentary tax, trustee services, financial services;
- (4) Form titled, "Balance Sheet", showing current balance sheet adjusted for financing with journal entries and explanations for actual, adjustments and as adjusted;
- (5) Form titled "Income Statement", showing current income statement adjusted for financing including new interest, depreciation and taxes with entries for actual, adjustments and as adjusted;
- (6) Form titled "Source and Application of Funds and Capitalization", which shall include:
- (1) Source of funds internal and external;
  - (2) Application of funds; and
  - (3) Capitalization data including amount and ratios;
- (7) Resolution of petitioner's stockholders, board of directors, partners or other governing body of petitioner, as appropriate, authorizing the proposed financing;
- (8) Copy of the private placement memorandum for long term financing including any letter of commitment from a lender stating details of financing;
- (9) Copy of the proposed promissory note and mortgage;
- (10) Copy of terms of new common or preferred stock; and
- (11) An original and 8 copies of the petition and exhibits.

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(c) By submitting or signing a Form F-4 petition, the persons submitting the form shall agree to comply with the certification requirement as set forth in (d) below.

(d) Each utility shall provide in connection with a petition for authority to issue securities a certification which shall provide as follows:

"The petitioner utility company believes and, therefore, alleges that the securities to be issued will be consistent with the public good and that it is entitled to issue said securities under RSA 369 for the purposes set forth in its petition."

Source. #2011, eff 5-4-82; ss by #2912, eff 11-26-84; ss by #5000, eff 11-26-90; ss by #6381, INTERIM, eff 11-27-96, EXPIRED: 3-27-97

New. #6512, eff 5-21-97

### Puc 407.09 Form F-22 Information Sheet.

(a) Each utility shall file Form F-22:

- (1) Annually; and
- (2) Whenever any changes occur to the information included in the Form F-22 filing.

(b) Each utility shall include the following on form F-22:

- (1) Name of utility;
- (2) Person's name and address to receive annual report form;
- (3) Person's name and address to receive the utility assessment tax; and
- (4) The names and titles of the principal officers of the company.

Source. #2011, eff 5-4-82; ss by #2912, eff 11-26-84; ss by #5000, eff 11-26-90; ss by #6381, INTERIM, eff 11-27-96, EXPIRED: 3-27-97

New. #6512, eff 5-21-97

### Puc 407.10 Annual Report.

(a) Each utility which maintains its books on a calendar year basis shall file a completed "Annual Report" with the commission annually on or before March 31st.

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(b) Each utility which maintains its books on a fiscal year which does not coincide with a calendar year shall file a completed "Annual Report" with the commission no later than 90 days following the close of each fiscal year.

(c) References in this section to account numbers are to the account numbers established in the "Uniform System of Accounts for Telecommunications Companies" which is established at Puc 406.03.

(d) Each utility shall include in the "Annual Report" the following:

- (1) Identity of the utility, including history of company, location, significant dates;
- (2) List of officers, directors and shareholders, lengths of terms, list of shareholders and voting powers and compensation received from all sources;
- (3) Description of service territory and expenses including:
  - a. List of towns served;
  - b. Number of customers;
  - c. Payment to individuals; and
  - d. Management fees and expenses including:
    1. Dates of contracts;
    2. Monies paid; and
    3. Distribution of accruals or payments;
- (4) Important changes during the year; including extensions of territory covered, purchase and sale of operating systems, and maps defining the territory required in each year ending in 0 or 5;
- (5) Income statement including amounts for current year and increase over preceding year;
- (6) Balance sheet consisting of assets, liabilities and stockholders' equity;
- (7) Analysis of telecommunications plant accounts including beginning and ending balances, and charges and credits during the year;
- (8) Analysis of telecommunications plant-in-service retired with amounts relating to plant sold and other plant retired;
- (9) Analysis of entries in property held for future telecommunications use including date property recorded, book cost and additions and retirements during the year;

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- (10) Analysis of capital leases including the present value of the lease, the accumulated amortization and the net book value at the end of the period;
- (11) Analysis of telecommunications plant acquired including the name of vendor, debits and credits during the year and beginning and ending balances;
- (12) Analysis of telecommunications plant purchased from or sold to affiliates, including original cost, fair market value and sale price;
- (13) Analysis of entries in accumulated depreciation and data relating to other plant retired;
- (14) Bases of charges for depreciation including net salvage factors, type of service life and prescribed depreciation rate;
- (15) Statement of cash flows, including:
  - a. Net income and adjustments;
  - b. Net cash by operating activities;
  - c. Net cash by investing activities;
  - d. Net cash by financing institutions;
  - e. Net increase/decrease in cash; and
  - f. Cash at beginning and end of the calendar year;
- (16) Analysis of entries in accumulated amortization, including additions and clearances during the year;
- (17) Balances for all prepayments included in account 1330;
- (18) Balances for all other current assets;
- (19) A schedule of sinking funds including:
  - a. Balances of each sinking fund;
  - b. Explanations for withdrawals for other than the purpose for which the account was created
  - c. The name of any trustee which is an associated company; and

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d. A list of and description of securities or other assets which comprise non-cash assets including:

1. The interest or dividend rate;
2. The cost to respondent;
3. The number of shares or principal amount; and
4. The book cost;

(20) Balance for all non-current assets;

(21) Schedule of receivables and investments for affiliated and nonaffiliated companies;

(22) Unamortized debt issuance expense, including principal amount of securities, total debt issuance expense, amortization period, balances at beginning and end of year, debits entered and amounts charged to account 7530;

(23) Deferred charges with a description of item and an analysis of entries in amortization reserve;

(24) Capital stock, with class and description of capital, par stated value, number of shares, and book liability;

(25) Long term debt, accounts 4210, 4260, and 4270 consisting of nominal date of issue, date of maturity and face amount at end of year, unamortized premium and stated interest rates;

(26) Notes payable with name of creditor, description of transaction, dates, amounts and interest rate per annum;

(27) Accounts payable accounts 4010, 4120 and 4130, including name of creditor and amount at end of year;

(28) Other long-term liabilities including separately the data for each item in the account amounting individually to \$10,000 or more;

(29) Other deferred credits account 4360 with a description of item and amount;

(30) Schedule for net deferred operating income taxes, accounts 4100 and 4340, including amounts for current year deferrals, and current year amortizations;

(31) Schedule for net deferred non-operating income taxes, accounts 4110 and 4350, including amounts for current year deferrals, and current year amortizations.

(32) Retained earnings, account 4550, including a reserve schedule;

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- (33) Dividends declared, account 4560 consisting of class of stock, dates, number of shares and amounts;
- (34) Operating revenues showing increase over preceding year plus;
- (35) Operating expenses showing increase over preceding year plus;
- (36) Schedule reflecting explanation of all accounts over \$500 that have increased 10% or more over the prior year;
- (37) Operating taxes account 7240, with a schedule of apportionment of type of taxes;
- (38) Customer operations expenses including those for marketing and services;
- (39) Corporate operating expenses itemized for those in executive and planning and general and administrative;
- (40) Prepaid taxes and tax accruals, accounts 1300, 4070 and 4080, reflecting beginning and ending balances and taxes charged or credited during the year;
- (41) Non-operating income taxes, data related to accounts 7410, 7420, 7430 and 7440;
- (42) Analysis of dividend and interest income, providing the dollar amounts, listing sources of interest income;
- (43) Analysis of extraordinary income credits and charges, showing gross amounts, current income tax effect, provision for deferred income tax effect and reference to commission approval obtained;
- (44) Non-operating income and expenses;
- (45) Other operating and income expenses;
- (46) Special expenses attributable to formal regulatory cases, including description, fees, retainers and incremental payroll costs and directly associated expenses;
- (47) Advertising expense reflecting amounts during the year for accounts 6613, 6722 and 7370;
- (48) General services and licenses, including name of affiliate, service provided and amount;
- (49) Membership fees and dues including expenditures to operating expenses in accounts 7100 and 7300;
- (50) Donations or payments for services rendered by persons other than employees, including name of recipient, nature of service and amount of payment;

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- (51) Schedule of outside plant statistics, including territory, miles of aerial wire, aerial cable, underground cable, buried cable and submarine cable;
- (52) Statistics relating to central offices, including territory, number at end of year for each type of switch, and other including number of main access lines;
- (53) Access lines in service, main access lines, number of private branch exchange (PBX), public access lines or other switched access lines including territory, and including beginning and ending number of lines during the year;
- (54) Pension cost, including plan names, accumulated and projected benefit obligation, pension cost and pension cost capitalized number of company employees covered; and
- (55) The number of presubscribed access lines provided to retail customers which the utility maintains as of its fiscal year end;
- (56) The total number of intrastate toll conversation minutes generated by the utility's retail customers which the utility billed during the year; and
- (57) Certification statement as set forth in (e) below.

(e) Each utility shall complete and properly execute under oath a certification form as part of its "Annual Report", which provides as follows:

"We, on our oath do severally say that the foregoing report has been prepared under our direction, from the original books, papers and records of said utility, that we have carefully examined the same, and declare the same to be a complete and correct statement of the business and affairs of said utility, in respect to each and every matter and thing therein set forth to the best of our knowledge, information and belief; and that the accounts and figures contained in the foregoing report embrace all of the financial operations of said utility during the period for which said report is made."

(f) The certification set forth in (e) above shall be subscribed and sworn to under oath by the utility by its president or other chief officer and treasurer or other officer in charge of accounts whose signatures shall be notarized by a notary official in conformance with New Hampshire law.

(g) By submitting or signing the "Annual Report", the person submitting the form, on behalf of themselves and the utility, thereby agree to comply with the certification statement set forth in (e) above.

Source. #2011, eff 5-4-82; ss by #2912, eff 11-26-84 EXPIRED 11-26-90; ss by #6381, INTERIM, eff 11-27-96, EXPIRED: 3-27-97

New. #6512, eff 5-21-97 ; amd by #7283, eff 5-23-00

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### PART Puc 408 PAYPHONE SERVICE

#### Puc 408.01 Definitions.

(a) "Coin-implemented payphone" means a payphone that requires the deposit of coins for calls other than those calls which are:

- (1) Billed to another telephone or to a calling card;
- (2) 911 or telephone relay service calls; or
- (3) To toll free numbers, such as 800 or 888 numbers.

(b) "Interexchange carriers" means telephone companies who provide long distance interstate and/or intrastate telephone service.

(c) "Payphone" means any telephone made available to the public on a fee-per-call basis, independent of any other commercial transaction, for the purpose of making telephone calls, whether the telephone is coin-operated or is activated either by calling collect or using a credit card.

(d) "Semi-public payphone" means a payphone for which the location provider is charged a recurring monthly rate for payphone service.

Source. #4330, eff 10-23-87; ss by #5000, eff 11-26-90; ss by #6381, INTERIM, eff 11-27-96, EXPIRED: 3-27-97

New. #6527, INTERIM, eff 6-25-97, EXPIRES: 10-23-97; ss by #6591, eff 9-30-97

#### Puc 408.02 Application of Rules.

(a) Puc 400 shall not apply to payphone service providers, except as follows:

- (1) Puc 402, relative to definitions;
- (2) Puc 405.01(a), (b) and (c), relative to construction and maintenance of plant equipment;
- (3) Puc 405.07, relative to commission inspections;
- (4) Puc 405.08, relative to uniform utility damage prevention program;
- (5) Puc 407.09, relative to Form F-22, "Information Sheet"; and
- (6) Puc 408, relative to payphone service.

(b) Puc 1200 and Puc 1600 shall not apply to providing of payphone services.

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Source. #4330, eff 10-23-87; ss by #5000, eff 11-26-90; ss by #6381, INTERIM, eff 11-27-96, EXPIRED: 3-27-97

New. #6527, INTERIM, eff 6-25-97, EXPIRES: 10-23-97; ss by #6591, eff 9-30-97

### Puc 408.03 Requirements for Registration.

(a) No person or entity shall install or offer for service a payphone in New Hampshire until that person or entity has registered as a payphone provider and has been issued a certificate of registration, both pursuant to this section.

(b) Each applicant registering to provide payphone service shall make application to the commission on Form E-29.

(c) Each applicant registering to provide payphone service shall supply the following on Form E-29:

- (1) The business name and address of applicant;
- (2) The name of a contact person or persons;
- (3) The telephone number of the contact person;
- (4) A written statement signed by an authorized representative of the applicant that:
  - a. The applicant agrees to comply with all provisions and requirements of Puc 408; and
  - b. The applicant shall operate in accordance with RSA 374:24 and 374:25;
- (5) The applicant's signature;
- (6) The date of signature of the E-29; and
- (7) The title of the person signing the E-29.

(d) Any person installing or operating for service a payphone shall comply with the provisions of 47 C.F.R. § 68, et seq., the Federal Communications Commission regulations entitled "Connection of Terminal Equipment to the Telephone Network".

(e) If an applicant correctly completes and submits the E-29 form and complies with the FCC registration requirement of (d) above, the commission shall issue to the applicant a certificate of registration to provide payphone service.

(f) For purposes of (d) and (e) above and Puc 408.05 (a), a payphone shall be deemed to be properly registered pursuant to 47 C.F.R. § 68 et seq., if the payphone is grandfathered pursuant to the terms set forth in

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Federal Communications Commission report and order dated September 20, 1996 in FCC 96-388, CC docket number 96-128, § 150.

Source. #4330, eff 10-23-87; ss by #5000, eff 11-26-90; ss by #6381, INTERIM, eff 11-27-96, EXPIRED: 3-27-97

New. #6527, INTERIM, eff 6-25-97, EXPIRES: 10-23-97; ss by #6591, eff 9-30-97

### Puc 408.04 Notification of Change of Status.

(a) Each provider of payphone service shall, except as provided in (b) below, notify the commission in writing within 10 days following the change of any information contained on the E-29 form.

(b) Each provider of payphone service shall provide written notice to the commission 10 days prior to a cessation of operations.

Source. #4330, eff 10-23-87; ss by #5000, eff 11-26-90; ss by #6381, INTERIM, eff 11-27-96, EXPIRED: 3-27-97

New. #6527, INTERIM, eff 6-25-97, EXPIRES: 10-23-97; ss and moved by #6591, eff 9-30-97 (from Puc 408.10)

### Puc 408.05 Equipment.

(a) All payphones shall be registered with the Federal Communications Commission pursuant to 47 C.F.R. § 68, et seq.

(b) All payphones shall comply with:

(1) The Americans With Disabilities Act, 42 U.S.C. § 12101, et seq.; and

(2) Applicable Department of Justice regulations titled "Nondiscrimination on the Basis of Disability by Public Accommodations and in Commercial Facilities" and set forth at 28 C.F.R. Part 36, including but not limited to sections pertaining to accessible routes, signage, space allowances and reach ranges, and section 4.31 titled "Telephones".

(c) All payphones shall provide, at no charge to the caller:

(1) Dial tone;

(2) Access to 911; and

(3) Telecommunications relay service calls.

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(d) All coin-implemented payphones shall be equipped to return coins to the caller in the case of an incomplete call.

(e) All coin-implemented payphones shall be equipped to accept nickels, dimes and quarters.

(f) All payphones shall be clearly marked to show:

- (1) The rate and time increment for a local call;
- (2) The telephone number of the payphone;
- (3) The name of the owner;
- (4) A free phone number for maintenance and repairs;
- (5) Any restrictions in making or receiving calls;
- (6) A toll-free telephone number to call for the pre-subscribed carriers' rate information;
- (7) Any other information necessary to facilitate calls, refunds or repairs;
- (8) Dialing instructions and charges, if any, for directory assistance; and
- (9) If the payphone does not accept incoming calls, a statement to that effect.

(g) The provider of payphone service shall provide:

- (1) One free copy of the telephone directory serving the local area for each payphone, on an annual basis; and
- (2) Additional telephone directories if requested by the location provider.

Source. #4330, eff 10-23-87; ss by #5000, eff 11-26-90; ss by #6381, INTERIM, eff 11-27-96, EXPIRED: 3-27-97

New. #6527, INTERIM, eff 6-25-97, EXPIRES: 10-23-97; ss and moved by #6591, eff 9-30-97 (from Puc 408.04)

Puc 408.06 Call Receiving and Access.

(a) Providers of payphone service shall provide that each payphone shall:

- (1) At the option of the payphone provider, receive incoming calls at no charge;

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- (2) Except as provided in (b) and (c) below, provide access to the toll network by a dial 0 and a dial 1 capability and/or 7-digit dialing;
  - (3) Permit dialing of toll free numbers without charge;
  - (4) Be programmed such that collect and third party calls cannot be billed to the payphone number, except, at the option of the payphone provider, in the case of semi-public payphones;
  - (5) Provide access to alternate interexchange carriers by one of the following:
    - a. A local call;
    - b. A toll-free call; or
    - c. A carrier access code; and
  - (6) Be marked clearly to indicate the following:
    - a. Primary intrastate carrier;
    - b. Primary interstate carrier; and
    - c. Procedures for connection to alternate carriers via access alternatives described in (5) above.
- (b) Payphones provided for inmates shall not be required to comply with (a)(1), (a)(2), (a)(5) or (a)(6)c. above.
- (c) Coin-less payphones shall not be required to provide dial 1 capability.

Source. #4330, eff 10-23-87; ss by #5000, eff 11-26-90; ss by #6381, INTERIM, eff 11-27-96, EXPIRED: 3-27-97

New. #6527, INTERIM, eff 6-25-97, EXPIRES: 10-23-97; ss and moved by #6591, eff 9-30-97 (from Puc 408.05)

### Puc 408.07 Reporting.

- (a) Each provider of payphone service shall file an annual report with the commission within 3 months of close of its fiscal year by filing Form F-29.
- (b) Each provider of payphone service shall provide on Form F-29 the following information:
  - (1) The name of the utility;
  - (2) The address of the utility;

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- (3) The telephone number of the utility;
- (4) The date of the fiscal year end of the utility;
- (5) The total annual revenues from payphone services;
- (6) The total number of payphones which the provider maintains in service as of the end of its fiscal year; and
- (7) A signed and dated statement sworn to under oath by an authorized representative of the payphone service provider as to the accuracy of the information contained in the annual report.

Source. #4330, eff 10-23-87; ss by #5000, eff 11-26-90; ss by #6381, INTERIM, eff 11-27-96, EXPIRED: 3-27-97

New. #6527, INTERIM, eff 6-25-97, EXPIRES: 10-23-97; ss and moved by #6591, eff 9-30-97 (from Puc 408.06)

Puc 408.08 Assessment. Payphone providers shall be assessed pursuant to RSA 363-A and shall submit such assessment to the commission.

Source. #4330, eff 10-23-87; ss by #5000, eff 11-26-90; ss by #6381, INTERIM, eff 11-27-96, EXPIRED: 3-27-97

New. #6527, INTERIM, eff 6-25-97, EXPIRES: 10-23-97; ss and moved by #6591, eff 9-30-97 (from Puc 408.07)

Puc 408.09 Transfer of Registration. Any proposed transferee of the certificate of registration shall complete the registration requirements of Puc 408.03, including submitting a properly completed Form E-29 prior to providing payphone service.

Source. #4330, eff 10-23-87; ss by #5000, eff 11-26-90; ss by #6381, INTERIM, eff 11-27-96, EXPIRED: 3-27-97

New. #6527, INTERIM, eff 6-25-97, EXPIRES: 10-23-97; ss and moved by #6591, eff 9-30-97 (from Puc 408.08)

Puc 408.10 Violation of Registration to Operate.

(a) If, after notice, an opportunity to be heard and specific findings of fact, the commission determines that good cause exists, it shall issue an order as to a provider of payphone service:

- (1) Revoking, suspending or modifying its certificate of registration;

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- (2) Imposing fines or penalties, pursuant to RSA 365:41;
- (3) Requiring reparation to a subscriber or affected party pursuant to RSA 365:29; or
- (4) Providing for such other penalty as permitted by statute, consistent with (1) through (3) above, as the commission may reasonably require.

(b) Good cause, pursuant to (a) above, shall include but not be limited to the following actions by a provider of payphone service:

- (1) Consistent or flagrant violation of applicable commission rules or orders;
- (2) Conducting business in an unfair or deceptive manner; or
- (3) Actions which result in revocation of its registration by the Federal Communications Commission pursuant to 47 C.F.R. 68.211.

Source. #4330, eff 10-23-87; ss by #5000, eff 11-26-90; ss by #6381, INTERIM, eff 11-27-96, EXPIRED: 3-27-97

New. #6527, INTERIM, eff 6-25-97, EXPIRES: 10-23-97; ss and moved by #6591, eff 9-30-97 (from Puc 408.09)

### PART Puc 409 SHARED TENANT SERVICES

#### REVISION NOTE:

See Revision Note at Puc 406.03. Document #6512, effective 5-21-97 removed the former Puc 409 entitled "Uniform System of Accounts for Telecommunication Companies" and replaced it with Puc 406.03. Puc 409 filed under Document #7200, effective 2-10-00, is a new rule.

#### Puc 409.01 Definitions.

- (a) "End user" means the person to whom the provider provides shared tenant services.
- (b) "Number retention" means "number retention" as defined in RSA 374:22-k, I, namely "the ability of a telephone service customer to retain that customer's direct inward dialing telephone number at the same location, or a different location served by the central office that provides private branch exchange service to the shared tenant services provider, when switching service providers."
- (c) "Private branch exchange" means "private branch exchange" as defined in RSA 374:22-k, II, namely "a telephone switch that can switch voice and data communications among the users of such switch, to the local telephone utility's central office or directly to inter-exchange carriers."

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(d) "Provider" means a landlord who is a subscriber to a local exchange carrier who has been issued a certificate of authority to offer shared tenant services to end users, except that "provider" does not include the following when providing local telecommunications services to their transient clientele:

- (1) Hospital facilities as defined in RSA 151:2 and/or RSA 151:19;
- (2) Inns and hotels as defined in RSA 353:7;
- (3) Motels as defined in RSA 353:4;
- (4) Educational institutions as defined in RSA 631:7 or
- (5) Nursing homes as defined in RSA 151-A:1.

(e) "Shared tenant services" means "shared tenant services" as defined in RSA 374:22-k, III, namely "voice and data communications services under which tenants at a single building, business park, office park, or mall are provided with such services through a private branch exchange."

Source. (See Revision Note at part heading for Puc 409) #7200, eff 2-10-00

### Puc 409.02 Limited Regulation.

(a) The commission shall issue a certificate of authority to operate a shared tenant services network, pursuant to Puc 409.04, to any provider who registers pursuant to Puc 409.03 and meets the minimum requirements, described in (b) below.

(b) To qualify to operate a shared tenant services network, a provider, pursuant to RSA 374:22-1, shall:

- (1) Disclose in writing at the time of initially offering services to its tenants and prospective tenants, the following:
  - a. Available options and terms of services;
  - b. Pricing information relative to the services provided or proposed to be provided as required by Puc 409.05(b); and
  - c. That the end user can at his or her option obtain basic exchange and other voice and data communications services from an authorized local exchange carrier rather than from the provider;
- (2) Allow telephone number retention and access to telecommunications services into and out of shared tenant services properties without penalty and in accordance with commission rules; and
- (3) Comply with the provisions of Puc 409.

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(c) A provider shall give 30 days' written notice to each affected end user before any change in rates.

(d) A provider shall:

(1) Comply with RSA 374:28-a, which prohibits unauthorized switching of customers, also known as "slamming", and Puc 412, when adopted and effective; and

(2) Comply with RSA 374:44-48, when effective, which prohibits inclusion of unauthorized, misleading or deceptive charges in a customer's bill, also known as "cramming", and Puc 412, when adopted and effective.

Source. (See Revision Note at part heading for Puc 409) #7200, eff 2-10-00

### Puc 409.03 Registration.

(a) Any person or entity providing or intending to provide shared tenant services in New Hampshire shall complete and file with the commission a registration form as described in (b) below.

(b) Each provider shall provide on the registration form required by (a) above, the following:

(1) The name of the registrant;

(2) The address and telephone number of the registrant;

(3) The street address location(s) at which shared tenant services shall be provided;

(4) The name and telephone number of a regulatory contact person, if different from the name of the provider;

(5) A general description of anticipated end users of the shared tenant services to be offered;

(6) A signed statement that the registrant agrees to comply with applicable statutes and commission administrative rules, including Puc 409;

(7) The signature and title of the registrant or a person authorized to act on the registrant's behalf; and

(8) The date of the application.

(c) By signing the registration form the signatory shall thereby agree on his or her own behalf and on behalf of the provider that all the information contained therein is true and accurate.

(d) The provider shall notify the commission in writing within 10 days after any material change in the

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registration information required by (b) above.

Source. (See Revision Note at part heading for Puc 409) #7200,  
eff 2-10-00

Puc 409.04 Authorization to Provide Shared Tenant Services. If the registrant completely and correctly fills out the registration form and provides an authorized signature and statement as described in Puc 409.03 and files this document with the commission, the executive director and secretary of the commission shall issue a certificate authorizing the registrant to provide shared tenant services.

Source. (See Revision Note at part heading for Puc 409) #7200,  
eff 2-10-00

Puc 409.05 Disclosure Required.

(a) Prior to providing shared tenant services, each provider shall make certain disclosures in writing, described in (b) below, to each end user it serves or proposes to serve.

(b) The provider shall include in the written disclosure required by (a) above the following:

(1) A statement of the terms and conditions of service including all current rates and termination charges, if any, which the end user will be charged, including:

- a. A schedule of rates the end user will be charged;
- b. An indication of whether billing commences upon call connection or in any of the following events:
  1. Busy signals;
  2. No answers;
  3. Toll free number calls;
  4. Fast busy signals;
  5. Telephone company recordings; or
  6. Any other similar non-answer or pre-answer situations;
- c. A description of the billing algorithm describing, for example, whether billing is done on a per minute basis, such that a 61 second call would be billed as 2 minutes, or on a per second, or other, basis;

(2) A statement that the end user may obtain service directly from any authorized local exchange

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carrier which provides service in the end user's area;

(3) The name and local or toll-free telephone number of a representative of the provider to whom complaints should be addressed;

(4) The days and hours of the week the representative of the provider shall be available to address complaints;

(5) A statement that an end user may submit to the commission unresolved complaints regarding the provider, including the toll-free telephone number, address and e-mail address of the commission;

(6) A statement that the provider shall give at least 30 days written notice to each affected end user prior to any change in the schedule of rates;

(7) A statement specifying when rates may be changed;

(8) The amount of increase that may be imposed during the period of the end user's service agreement;

(9) A statement that the provider's rates and charges are not regulated by the commission;

(10) A statement that the end user may void his/her service agreement with the provider without further liability to the end user if the provider breaches a material term of the service agreement;

(11) A statement that the telephone number assigned to the end user is portable to any local exchange carrier without charge; and

(12) A description, conspicuously displayed, including:

- a. A description of prefix or dialing requirements to reach emergency services, for example, that the end user dial "9-911";
- b. The limitations, if any, of 911 emergency service regarding proper identification of the caller's telephone number and the caller's location whenever a call is placed from a shared tenant service station; and
- c. The limitations regarding intercept service provided by a local exchange carrier for direct inward dial number.

(c) The provider shall disclose upon customer request information on the most advantageous provider rate or rates available to that customer, as required by Puc 1203.02(a).

(d) The provider shall give each affected end user 30 days' written notice prior to any change in rates.

(e) The provider shall, within 5 business days, notify each end user of any change in the name, telephone

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number or hours of availability of the provider's customer contact person, referred to in (b)(3) and (4) above.

Source. (See Revision Note at part heading for Puc 409) #7200,  
eff 2-10-00

### Puc 409.06 Procedures Relating to Disconnection of Customer.

(a) In conducting any disconnection of the service of an end user, a provider shall, except as provided in (b) below, comply with the procedures and requirements which are applicable to a telephone utility, as set forth in:

- (1) Puc 403.03, relative to disconnection of service;
- (2) Puc 403.04, relative to notice of disconnection;
- (3) Puc 403.05, relative to disconnection conferences with customer; and
- (4) Puc 403.06, relative to disconnection of non-residential customer.

(b) The disconnection requirements identified in (a) above shall be modified for purposes of Puc 409 as follows:

- (1) Where the utility is prohibited from charging for reconnection, in Puc 403.03(f), unless the charge is approved in the utility's tariff, the provider shall instead disclose in advance in writing to its end user, any charge for reconnection of service; and
- (2) Where the utility is permitted to disconnect a non-residential customer for violation of a rule established in the utility's approved tariff, in Puc 403.06(c), the provider may disconnect its non-residential end user, upon notice as provided in Puc 403.06(c), when the end user has violated a condition of service of which the provider has given the customer prior written notice.

Source. (See Revision Note at part heading for Puc 409) #7200,  
eff 2-10-00

### Puc 409.07 LEC Charges to Provider and Number Retention Costs.

(a) To provide shared tenant services a provider shall purchase voice and data communications services from a LEC pursuant to a tariff of the local exchange carrier for shared tenant services unless the provider is certified pursuant to Puc 1304 as a competitive local exchange carrier.

(b) A LEC shall not be precluded from nor required to file a tariff establishing rates specifically applicable to provision of shared tenant services.

(c) Neither the local exchange carrier nor the provider shall penalize an end user, except as provided in (d) below, when an end user switches from a LEC to a provider or from a provider to a LEC.

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(d) An end user who switches carriers as described in (c) above shall still be accountable for:

- (1) Any applicable early termination charges provided pursuant to tariffs or special contracts approved by the commission; and
- (2) Any applicable contractual provisions which the commission determines are intended to enable the existing provider or LEC to recover unamortized costs incurred in providing the existing service to the end user.

(e) The telephone number assigned to the end user shall be portable from the provider to a local exchange carrier in the same local service area without charge.

(f) The telephone number assigned to an end user who migrates to a provider from a LEC in the same local service area as the provider shall be portable to the provider without charge, provided that the provider's switch is capable of local number portability.

Source. (See Revision Note at part heading for Puc 409) #7200, eff 2-10-00

Puc 409.08 Complaints to the Commission. The commission shall hear unresolved complaints between the provider and any end user pursuant to Puc 200 and Puc 409.

Puc 409.09 Shared Tenant Services Operations.

(a) Each provider shall allow its end users direct access to local exchange carriers' "zero" operators for emergencies and for toll service.

(b) Providers shall not restrict access to any locally available interexchange carrier by end users who elect to receive service from a local exchange carrier.

(c) If an end user elects to take service from a LEC, the provider shall allow the LEC access to all facilities up to the end user's premises.

(d) The provider shall be responsible for wiring and maintenance of the shared tenant services facilities beyond the LEC demarcation point.

Source. (See Revision Note at part heading for Puc 409) #7200, eff 2-10-00

Puc 409.10 Transfer of Authorization.

(a) Authorization to provide shared tenant services shall not be transferred to any individual or entity who has not obtained authorization pursuant to Puc 409.04.

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(b) A proposed transferee shall complete the registration process described in Puc 409.03 and the commission executive director and secretary shall issue a certificate of authorization in accordance with Puc 409.04.

(c) The provider shall, no less than 30 days prior to a proposed transfer, notify each affected end user in writing if an end user is changed from one provider to another provider.

(d) In the event authorization to provide shared tenant services to an end user is transferred to a provider, the provider shall notify the commission in writing 30 days prior to the proposed transfer.

Source. (See Revision Note at part heading for Puc 409) #7200, eff 2-10-00

### Puc 409.11 Revocation of Authorization.

(a) If, after notice, an opportunity to be heard and issuing specific findings of fact and any applicable rulings of law supporting its determination, the commission determines that good cause exists, it shall issue an order providing, pursuant to (c) below, for:

- (1) Revocation, suspension, or amendment of the provider's certificate of authorization;
- (2) Disconnection of the provider's service;
- (3) Imposition of a civil penalty pursuant to RSA 374:22-n, RSA 374:28-a, II and/or RSA 374:46; and/or
- (4) Such other relief as the commission shall reasonably provide or require consistent with statute, including but not limited to the ordering of reparation to an end user or affected party.

(b) Good cause, pursuant to (a) above, shall include the following actions by a provider:

- (1) Unauthorized switching of customer services from another telecommunications services carrier to the provider in violation of RSA 374:28-a and/or Puc 412, when adopted and effective;
- (2) Inclusion of unauthorized, misleading or deceptive charges, or "cramming", in violation of RSA 378:44-48 and/or Puc 412, when adopted and effective;
- (3) Conducting business in an unfair or deceptive manner;
- (4) Persistent or flagrant violation of applicable statutes, commission rules or commission orders; or
- (5) Any other factor(s) which leads the commission to conclude that the applicant has demonstrated it does not meet the minimum standards to operate as a provider.

(c) Upon a finding as provided in (b) above, the commission shall issue an order providing for one or more

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of the consequences set forth in (a) above which it determines to be most applicable after considering:

- (1) The nature of the infraction;
- (2) The severity of the infraction; and
- (3) Monetary or other damages to an end user, a utility or a member of the public resulting from the infraction.

Source. (See Revision Note at part heading for Puc 409) #7200,  
eff 2-10-00

### Puc 409.12 Notification of Termination of Service.

(a) When a provider proposes to terminate its shared tenant services, the provider shall, no less than 30 days prior to terminating services, issue to its end users and to the commission written notice, as provided in (b) and (c) below, of its intention to terminate services.

(b) A provider terminating services shall include in the notice of termination of services to its end users required by (a) above, the following:

- (1) The name of the provider;
- (2) The name, address, and telephone number of a person representing the provider whom the end user shall be able to contact for 3 months after termination; and
- (3) A statement that the end user can at his or her option obtain basic exchange and other voice and data communications services from an authorized local exchange carrier rather than from the provider.

(c) A provider terminating services shall include in the notice of termination of services to the commission required by (a) above, the following:

- (1) The name of the provider;
- (2) The address(s) of end users to whom the provider provides services;
- (3) The name, address, and telephone number of a person representing the provider who the commission shall be able to contact for 3 months after termination;
- (4) A statement that it has notified each end user of its termination of operations; and
- (5) If the commission determines that the provider has not provided adequate notice to end users and so requests, a list of the names of the provider's end users at termination.

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Source. (See Revision Note at part heading for Puc 409) #7200,  
eff 2-10-00

### Puc 409.13 Reporting.

(a) Each provider shall file with the commission annual reports summarizing its year-end activities as provided in (b) below.

(b) On its year end reports each provider shall provide the following:

- (1) The name of the provider business entity;
- (2) The provider's current principal address and telephone number;
- (3) The date of the end of the provider's fiscal year;
- (4) The provider's total intrastate shared tenant services revenues; and
- (5) A sworn statement, pursuant to RSA 374:15, signed and dated by an individual authorized to represent the provider as to the accuracy of the form.

Source. (See Revision Note at part heading for Puc 409) #7200,  
eff 2-10-00

## PART Puc 410 EXTENDED AREA SERVICE

### Puc 410.01 Definitions.

(a) "Billed customer" means a residential or business local service telephone customer of an ILEC characterized by receipt of a single telephone bill which can include billing of more than one telephone number and which can provide service for more than one occupant.

(b) "Extended area service (EAS)" means the local toll-free telephone calling area beyond the home exchange.

(c) "Home exchange" means the area served by the local central office.

(d) "Incumbent local exchange carrier (ILEC)" means a telecommunications carrier, and its successors and assigns, authorized under law or by the commission before July 23, 1995, the effective date of RSA 374:22-f, to provide basic service in the particular area for which it was authorized to provide service prior to July 23, 1995.

(e) "NXX number" means the first 3 digits of a local telephone number which identify the local central office of the telephone customer.

(f) "Two-way EAS" means local toll free calling to and from each of 2 exchanges.

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Source. #5286, eff 11-27-91; ss by #6381, INTERIM, eff 11-27-96, EXPIRED: 3-27-97

New. #6776, eff 6-24-98

Puc 410.02 Petition Requirements.

- (a) Any interested party may petition the commission to modify an EAS by submitting:
  - (1) A petition to the commission; and
  - (2) A copy of the petition to the affected ILEC(s).
- (b) Each petition submitted pursuant to (a) above shall:
  - (1) Request two-way EAS to a single additional exchange;
  - (2) Be considered as a two-way proposal;
  - (3) Be signed by 10% or more of the billed customers within the petitioning home exchange;
  - (4) Include a description by NXX number of the EAS modification requested;
  - (5) Include, together with each signature:
    - a. The telephone number of the billed customer signing; or
    - b. An indication that the signer's phone number is in the exchange proposing EAS, but that the phone number is unlisted;
  - (6) Certify that the following information has been disclosed to each billed customer signing in support of the petition, at the time of signing:
    - a. A description of the proposed change to the EAS;
    - b. That there might be an increase of the local service rate as a result of the EAS modification;
    - c. That each customer signing is required to be a billed customer in the petitioning home exchange;
    - d. A list of the exchanges in the existing EAS;
    - e. That one signature only shall be counted for each billed customer; and

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f. That the EAS petition is for two-way EAS;

(7) Include an affirmation by the petitioner, as follows:

“To the best of my knowledge and belief, (1) the signatures contained in the attached proposal to modify EAS are true and valid; (2) persons signing the proposal are billed customers in the exchange proposing expanded EAS; and (3) 1 signature only has been counted for each billed customer.”; and

(8) Provide a statement as to whether billed customers in the petitioning exchange are able to call, without a toll charge, each of the following services:

- a. Relevant public schools;
- b. A general medical practitioner;
- c. A pharmacy;
- d. A banking facility;
- e. A central business area comprised of 12 or more businesses;
- f. An internet provider.

(c) Any petition submitted pursuant to (a) above shall not propose service or terms which a provider of local service cannot offer.

(d) If an interested party submits an EAS petition which complies with the requirements of Puc 410.02, the commission shall open a docket and evaluate the proposed EAS as described in Puc 410.03.

(e) If an interested party submits an EAS petition which does not comply with the requirements of Puc 410.02, the commission shall respond pursuant to RSA 541-A:29.

(f) No person shall, for a period of one year following denial or final determination, submit to the commission an EAS petition which does not materially differ from a previously submitted EAS petition for which the commission has issued a denial or final determination.

Source. #5286, eff 11-27-91; ss by #6381, INTERIM, eff 11-27-96, EXPIRED: 3-27-97

New. #6776, eff 6-24-98; amd by #7283, eff 5-23-00

Puc 410.03 Determination of Whether to Conduct A Hearing.

(a) If the petitioning exchange is not able to call, without a toll charge, 3 or more of the services listed in

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Puc 410.04 (b)(1), then the petition, unless disqualified pursuant to Puc 410.02, shall result in a hearing as described in Puc 410.04.

(b) If the petitioning exchange is able to call, without a toll charge, 3 or more of the services listed in Puc 410.02 (b)(8), then the petition, unless disqualified pursuant to Puc 410.02, shall result in a traffic study, as provided in Puc 410.04, to determine whether a community of interest exists.

Source. #5286, eff 11-27-91; ss by #6381, INTERIM, eff 11-27-96, EXPIRED: 3-27-97

New. #6776, eff 6-24-98

### Puc 410.04 Traffic Study.

(a) A traffic study shall demonstrate a community of interest sufficient to require a hearing as described in Puc 410.05 if calling from the petitioning exchange to the requested exchange shows:

- (1) An average of 5 or more calls per month per access line; and
- (2) That 40% of access lines make 3 or more calls per month.

(b) The ILEC shall, within 90 days of a request from the commission, conduct a traffic study and provide to the commission the results of the traffic study.

(c) If the traffic study, as described in (a) above, demonstrates a community of interest sufficient to require a hearing, as provided in Puc 410.05, then a hearing shall be conducted.

(d) If the traffic study does not demonstrate a community of interest sufficient to require a hearing, then the petition shall be denied.

Source. #5286, eff 11-27-91; ss by #6381, INTERIM, eff 11-27-96, EXPIRED: 3-27-97

New. #6776, eff 6-24-98

### Puc 410.05 Hearing on Whether to Conduct Poll.

(a) If the commission determines, pursuant to Puc 410.03, to conduct a hearing, the commission shall determine whether to conduct a poll of the billed customers in the petitioning exchange and, if applicable, the requested exchange.

(b) In determining whether to conduct a poll of the billed customers of the relevant exchanges, the commission shall consider whether:

- (1) Local rates for a billed customer in the petitioning exchange includes the ability to contact the

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services as set forth in Puc 410.02(b)(8);

- (2) Enlarging the local calling area will jeopardize competition;
- (3) Utilities have developed or are likely in the foreseeable future to develop creative solutions, such as calling plan discounts, to mitigate affordability problems;
- (4) The emergence of competition in the local telephone service market in the petitioning exchanges appears likely to improve the affordability of rates in the foreseeable future;
- (5) The proposal if granted would eliminate or decrease the need for municipal calling service;
- (6) The proposal if granted would encourage economic development;
- (7) The proposed EAS expansion would be consistent with state and federal law; and
- (8) Other similar considerations consistent with (1) through (7) above.

(c) The commission or its designee shall conduct a poll of the billed customers of the affected exchanges if it determines, after considering the factors described in (b) above, that the change in EAS:

- (1) Is necessary to create an EAS which offers affordable rates;
- (2) Shall not jeopardize competition;
- (3) Is consistent with state and federal laws; and
- (4) Impacts positively on the affordability, accessibility and efficient delivery of services provided.

(d) The commission shall deny the petition if the proposed EAS change does not satisfy the factors described in (c) above.

Source. #5286, eff 11-27-91; ss by #6381, INTERIM, eff 11-27-96, EXPIRED: 3-27-97

New. #6776, eff 6-24-98

### Puc 410.06 Poll of Affected Exchanges.

(a) In order to allow the commission to determine what, if any, increase in local rates would be necessary as a result of the proposed EAS expansion, the affected incumbent local exchange carrier(s) shall provide the commission, within 90 days of a commission request, information for traffic between the petitioning exchange and the requested exchange for representative periods, as follows:

- (1) Originating and terminating access minutes of use, estimated, if necessary, using the relationship

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between statewide access and statewide toll;

(2) Originating and terminating toll minutes of use;

(3) Billing and collection revenue and the corresponding number of messages;

(4) Access revenue and toll revenue;

(5) Intrastate impact resulting from federal jurisdictional changes;

(6) The number of residence and business access lines over which the proposed surcharge will be collected;

(7) The cost of other changes, if any;

(8) The cost and description of any other factors which the local exchange carrier(s) believe should be considered in the cost calculation; and

(9) A recommendation by the local exchange carrier(s) as to the appropriate surcharge for the proposed expanded EAS.

(b) When the commission or its designee conducts a poll of the petitioning and, if applicable, the requested exchanges:

(1) The poll shall be conducted within 2 months of the determination of the surcharge made pursuant to (a) above;

(2) The poll shall include:

a. Billed customers of the petitioning exchange; and

b. The billed customers in the requested exchange if granting the proposed EAS expansion will result in an increase in local service rates in the requested exchange; and

(3) A poll ballot shall be provided for the billed customers to complete which:

a. Explains that the billed customer may vote in favor of:

1. Leaving service as it is; or

2. Adding a specific exchange with the appropriate increase in the local service rate, if any;

b. States the monthly increase, if any, to the grades of service in the petitioning exchange and, if applicable, in the requested exchange, which will result if the billed customers vote to

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approve the proposed EAS expansion; and

c. States the date by which the billed customer shall return the completed ballot to the commission.

Source. #5286, eff 11-27-91; ss by #6381, INTERIM, eff 11-27-96, EXPIRED: 3-27-97

New. #6776, eff 6-24-98

### Puc 410.07 Results of Poll.

(a) The petition shall be granted if:

- (1) Votes are received from not fewer than 25% of the billed customers in the petitioning exchange; and
- (2) A simple majority of the billed customers in the petitioning exchange and requested exchange, if applicable, responding to the poll, after combining all votes, vote in favor of the EAS proposal.

Source. #5286, eff 11-27-91; ss by #6381, INTERIM, eff 11-27-96, EXPIRED: 3-27-97

New. #6776, eff 6-24-98

## PART Puc 411 COMPETITIVE INTRALATA TOLL PROVIDERS

### Puc 411.01 Application of Rules.

(a) The following commission rules shall apply to the providing of CTP service:

- (1) Puc 102, relative to definitions of terms;
- (2) Puc 200, procedural rules;
- (3) The following provisions of Puc 400:
  - a. Puc 402, relative to definitions;
  - b. Puc 403.03, relative to disconnection of service;
  - c. Puc 403.04, relative to notice of disconnection;
  - d. Puc 403.05, relative to disconnection conferences with customers, except that any disconnection conference shall be, at the option of the CTP, conducted by telephone;
  - e. Puc 403.06, relative to disconnection of non-residential customer;

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- f. Puc 403.07, relative to disconnection of associated services
  - g. Puc 403.08, relative to bill forms;
  - h. Puc 403.10, relative to third party billing;
  - i. Puc 404.05, relative to confidentiality requirements;
  - j. Puc 404.06, relative to emergency operation;
  - k. Puc 404.07, relative to interruptions of service;
  - l. Puc 405.01, relative to construction and maintenance of plant equipment;
  - m. Puc 405.02, relative to grounded circuits;
  - n. Puc 405.03, relative to trunk lines;
  - o. Puc 405.05, relative to safety instructions;
  - p. Puc 405.06, relative to accidents;
  - q. Puc 405.07, relative to commission inspections;
  - r. Puc 407.01, relative to accident reports;
  - s. Puc 407.08, relative to petitions for authority to issue securities;
  - t. Puc 407.09, relative to form F-22, information sheet;
  - u. Puc 411, relative to competitive intraLATA toll providers; and
  - v. Puc 412, relative to unauthorized switching of customers and charges.
- (4) Puc 800, underground utility damage protection program; and
- (5) Puc 1200, uniform administration of utility customer relations.

Source. #7283, eff 5-23-00

### Puc 411.02 Registration.

- (a) Before commencing operations as a CTP in New Hampshire the entity proposing to provide CTP service shall register with the commission.

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(b) In order to register with the commission an applicant shall simultaneously file with the commission:

(1) A completed registration form, a copy of which is available on the commission's internet site, on which the applicant shall provide:

- a. The applicant's legal name and name under which it does business;
- b. The applicant's business address;
- c. The federal tax identification number of the applicant;
- d. A statement as to whether the applicant or any of the general partners, corporate officers, director of the company or limited liability company managers or officers have ever been convicted of any felony that has not been annulled by a court;
- e. A statement as to whether the applicant or any of the persons listed in d. above:
  1. Has, within the 10 years immediately prior to registration,:
    - (i) Had any civil, criminal or regulatory sanctions or penalties imposed against them pursuant to any state or federal consumer protection law or regulation; or
    - (ii) Settled any civil, criminal or regulatory investigation or complaint involving any state or federal consumer protection law or regulation;
  2. Is currently the subject of any pending civil, criminal or regulatory investigation or complaint involving any state or federal consumer protection law or regulation;
- f. If an affirmative answer is given to d. and/or e. above, an explanation of the event;
- g. The name, title and telephone number of a regulatory contact person at the CTP;
- h. A toll-free customer service number and the name of a consumer contact person;
- i. The days of the week and hours the CTP shall operate its toll-free customer service number;
- j. The signature of a person authorized to represent the applicant;
- k. The date the registration form is signed; and
- l. The title of the person authorized to represent the applicant who signs the registration form;

(2) Evidence that the CTP is fully registered with the New Hampshire secretary of state as a foreign or domestic entity in accordance with RSA 374:25;

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- (3) A written statement, signed under the penalties contained in RSA 641:3, relating to unsworn falsification, by an individual authorized to represent the CTP, certifying:
- a. To the truthfulness of the material provided in the application; and
  - b. That the CTP will comply with all applicable statutes, administrative rules and orders of the commission; and
- (4) Either:
- a. As to any CTP not an ILEC:
    1. Rate schedules; or
    2. A tariff, pursuant to Puc 1600; or
  - b. As to any CTP which is also an ILEC, a tariff, pursuant to Puc 1600.
- (c) Rate schedules, required pursuant to (b)(4) a. above, shall include for each service offered:
- (1) The name of the service;
  - (2) A brief description of the service offered;
  - (3) The price at which the service is offered; and
  - (4) The date on which each rate is proposed to become effective.
- (d) To register, a CTP shall file with the tariff administrator at the commission:
- (1) The original of the registration form required by (b) above; and
  - (2) Either:
    - a. As to a CTP which is not an ILEC, an original and one copy of:
      1. Rate schedules; and/or
      2. A tariff; or
    - b. As to a CTP which is an ILEC, an original and 8 copies of a tariff.
- (e) Notwithstanding Puc 1603.03(a) and Puc 202.07 which require the filing of an original and 8 copies of tariffs, a CTP which is not an ILEC shall file only an original and one copy of its rate schedules or tariff, filed

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pursuant to (e)(2) above.

(f) Once a CTP has provided the applicable material required by this section, the commission shall, except as provided in Puc 411.03, issue a certificate of authorization which shall allow the applicant to provide CTP service.

(g) Any certification of authorization obtained by a CTP under this part shall be non-transferrable.

(h) Each CTP shall notify the commission in writing within 10 days after any material change in the registration information required by Puc 411.02(b)(1) through (3).

(i) Providers of CTP services which are registered with the commission as of the effective date of this part shall not be required to re-register pursuant to this part.

(j) Any authorized ILEC shall not be required to register pursuant to this part.

Source. #7283, eff 5-23-00

### Puc 411.03 Denial of Registration.

(a) Upon a finding by the executive director and secretary of the commission that there is evidence to support a denial of the registration application, as set forth in (b) below, the commission shall:

- (1) Notify the applicant in writing of the basis for denial of the registration application;
- (2) Confirm the date that the documents filed by the applicant were received as a formal application for registration; and
- (3) Give notice of a hearing to be held, pursuant to RSA 541-A:29, II, within 120 days of receipt of the registration application.

(b) The commission shall deny an application for registration and/or impose one or more of the restrictions set forth in Puc 411.11(a), if it determines that:

- (1) The applicant and/or its key personnel, as referred to in Puc 411.02(b)(1)d. and e., have:
  - a. Committed an act that would constitute good cause to find a violation of authorization pursuant to Puc 411.11(b);
  - b. Been convicted of a crime as described in Puc 411.02(b)(1),d. or e.;
  - c. Knowingly made a material false statement of fact in the application; or
  - d. Demonstrated on its application materials such flagrant and/or repeated violations of the requirements to operate as a utility and/or a CTP in other state(s) that the commission

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determines that it is not in the public good to allow registration; and

(2) The crime or act referred to in (b)(1) above is substantially related to the qualifications, functions or duties required to provide CTP services.

Source. #7283, eff 5-23-00

Puc 411.04 Transfer or Lease of a CTP or Right to Service a Customer.

(a) When a CTP proposes to transfer or lease its franchise, works or system, or any part of such franchise, works or system, exercised or located in this state, including but not limited to a transfer or lease of the right to serve any customer of the CTP, or contracts for the operation of its works and system located in this state, prior to the proposed transfer or lease:

(1) The CTP shall obtain the consent of the commission, pursuant to RSA 374:30, as provided in (g) below, to the proposed transfer or lease;

(2) Except as provided in (c) below, the CTP shall provide notice to each affected customer pursuant to (b) below; and

(3) The proposed transferee or lessee shall register as a CTP, pursuant to Puc 411, if not already so registered.

(b) In addition to any applicable requirements contained in the commission order relating to approval of the transfer or lease and in Puc 412, the CTP shall give notice to each affected customer of the change in carrier, pursuant to (a)(2) above, as follows:

(1) Not less than 14 days prior to the effective date of such change, provide clear and conspicuous written notice to each affected customer which shall include:

a. Notice that the CTP shall discontinue providing CTP services to the customer;

b. Notice that the customer shall select an alternate CTP provider or the customer will be assigned to the proposed transferee or lessee carrier;

c. Notice of the date the CTP shall discontinue providing CTP services to the customer;

d. Notice that the change in carrier shall be without charge to the customer;

e. A clear statement:

1. Of any difference in the rates and/or terms and conditions of service of the CTP and the rates and/or terms and conditions of service of the proposed transferee or lessee CTP;  
or

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2. That the rates and terms and conditions of service of the CTP and the proposed transferee or lessee CTP are the same; and

f. The name, address and telephone number of the proposed transferee or lessee CTP if the customer does not select an alternate carrier within the prescribed time period; and

g. Notice of the time period within which the customer shall make a selection of any alternate CTP or be assigned to the default or successor carrier, if different than the date the CTP shall cease to provide service to the affected customer;

(2) Provide a copy of the notice described in (1) above to the commission at the same time notice is sent to affected customers; and

(3) Within 30 days of the effective date of the change, refund to its customers any applicable amounts owed.

(c) A transfer or lease of a CTP to another person or entity, as described in (a) above, shall require the notice set forth in (d) below rather than the notice set forth in (b) above, when the following conditions exist:

(1) The existing CTP, serving the customer(s) in question, will continue to exist, serving its customers under the same name;

(2) The transfer or lease will result in no change in the existing CTP's customers' rates, terms, or conditions of service;

(3) The CTP notifies its affected customers in writing of the transfer or lease, pursuant to (d) below, and of the opportunity for the customer to change carriers at no extra charge;

(4) There will be no interruption in or diminution in the quality of service; and

(5) The CTP does not charge any customer who selects another carrier for intraLATA toll service in connection with the transfer or lease.

(d) When a transfer or lease of a utility franchise or portion thereof meets the requirements of (c) above the utility shall provide notice to each affected customer as follows:

(1) Each affected customer shall have the opportunity, for not less than 14 days after the date of the notice, to choose, without additional charge, another intraLATA toll provider; and

(2) The name, address and telephone number of the carrier which will provide the customer intraLATA toll provider service if the customer does not make a choice by the end of the notice period.

(e) As to the notices required to be sent to the customer describing a proposed change in CTP carrier as described in (b) and (d) above,:

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- (1) The notice may be sent with the customer's billing statement;
- (2) The notice shall be sent by the original CTP, not the proposed transferee or lessee provider; and
- (3) The notice shall be sent separately from promotional materials relating to services proposed to be provided by the proposed transferee or lessee provider.

(f) If the commission determines that a CTP has not made adequate provisions for discontinuance of service or for a successor provider, the commission shall order notice to affected customers clarifying the customer's rights and obligations.

(g) As to any petition filed by a CTP for approval of the commission, pursuant to RSA 374:30, to transfer or lease its franchise, works or system, or any part of such franchise, works or system, as referred to in (a)(1) above, the commission shall evaluate whether the proposed transfer is in the public good and does not harm ratepayers, pursuant to the criteria contained in well-developed relevant case law.

Source. #7283, eff 5-23-00

### Puc 411.05 Discontinuance of Operations.

(a) When a CTP provider proposes ceasing to provide CTP services, the CTP shall:

- (1) At least 14 days prior to the cessation of operations, provide:
  - a. Written notice to the commission;
  - b. Written notice to its customers of cessation of operation which shall include:
    1. Notice that, in order to continue to be provided intraLATA toll service, the customer shall select an alternate CTP; and
    2. Notice of the time period, which shall not be less than 14 days from notification, within which the customer shall make a selection of a new CTP; and
- (2) Refund to its customers any applicable amounts owed.

Source. #7283, eff 5-23-00

### Puc 411.06 Rates Schedules and Tariffs.

(a) Each CTP shall maintain on file with the commission complete and current:

- (1) Rate schedules; and/or
- (2) Tariff schedules, pursuant to Puc 1600.

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- (b) As to any tariff filed with the commission by a CTP which is not an ILEC, pursuant to (a)(2) above:
- (1) The commission shall maintain the CTP's tariff on file for informational purposes;
  - (2) The filing of the tariff shall not create a presumption that the commission has either reviewed or approved the terms of the tariff on file;
  - (3) The commission shall presume the terms of the tariff are just and reasonable unless and until a complaint is raised by the public at which time the tariff shall be subject to review; and
  - (4) The CTP shall not include any provisions in its rate schedules or tariff filings which are inconsistent with applicable commission rules and/or statutory requirements.
- (c) A CTP which is also an ILEC shall, as part of the tariff it is required to file pursuant to Puc 1600, itemize and describe the services it offers as a CTP.
- (d) A CTP which is not an ILEC may file a tariff which itemizes its CTP services.
- (e) A CTP shall obtain prior approval from the commission for issuance of securities or debt instruments, pursuant to RSA 369:1 and Puc 407.08.

Source. #7283, eff 5-23-00

Puc 411.07 Changes in Prices and Services Offered and Disconnection.

- (a) CTPs shall, pursuant to RSA 378:3, notify the commission in writing at least 30 days in advance of its proposed effective date, of any of the following:
- (1) A new CTP service;
  - (2) The price at which a new CTP service shall be offered; or
  - (3) Any change, other than a change in price, to an existing CTP service.
- (b) In order for a change in the price of an existing CTP service to become effective, a CTP shall file the changed rate with the commission at least one day before the new rate's proposed effective date.
- (c) A CTP shall file an original and one copy of the material required pursuant to (a) and (b) above with the tariff administrator at the commission.
- (d) Prior to the effective date of a price increase, a CTP shall notify its affected customers in writing of the increase in the following manner:
- (1) By notice conspicuously written on the customer's bill;

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(2) By bill insert; or

(3) By direct separate mailing.

(e) If the commission issues an order setting forth requirements for written notice which specifically waives, pursuant to Puc 201.05, the provisions of (d) above, the utility shall provide notice as set forth in that order.

(f) For 30 days following the date the bill or other written notice notifying the customer of a rate increase is rendered, any affected customer may request discontinuation of the relevant service and automatically receive an adjustment in the amount of the increase, retroactive to the effective date of the rate increase.

(g) When a CTP disconnects a customer for non-payment the CTP shall:

(1) Block the customer from its system so that the customer cannot complete a call on the CTP's network;

(2) As soon as practicable, notify the ILEC or CLEC which provides the customer basic service of:

a. The block on the customer's phone when it occurs; and

b. The restoration of service to the customer if or when it occurs.

(3) Remove the block and restore the customer's toll service once payment has been received or the CTP and the customer have agreed to a payment arrangement.

Source. #7283, eff 5-23-00

Puc 411.08 Utility Assessment. CTPs shall be responsible for the utility assessment for commission operations pursuant to RSA 363-A.

Source. #7283, eff 5-23-00

Puc 411.09 Reporting Requirements.

(a) Each CTP shall file Form F-22, as required by Puc 407.09, annually and whenever any changes occur in the information required to be included in Form F-22.

(b) Each CTP shall file with the commission a completed annual report, as described in (c) below, on or before March 31 of each year based on the previous calendar year.

(c) Each CTP shall include, as to its New Hampshire operations, the following in its annual report required by (b) above:

(1) A statement of the CTP's assets, liabilities, income and expenses;

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- (2) A statement of the CTP's New Hampshire specific revenues;
- (3) The number of presubscribed access lines which it has as of December 31;
- (4) The total number of intrastate conversation minutes which the CTP billed during the year;
- (5) A listing of the CTP's corporate officers and their titles;
- (6) The total miles of sheath fiber cable installed in New Hampshire owned by the CTP;
- (7) The total miles of sheath copper cable installed in New Hampshire owned by the CTP; and
- (8) The number and location of switches installed in New Hampshire which the CTP operated during the year.

(d) Each CTP shall, as part of the annual report required by this section, complete and properly execute under oath a certification form, which provides as follows:

"I do swear or affirm that the foregoing report has been prepared under my direction, from the original books, papers and records of the reporting entity, that I have carefully examined the same, and declare the same to be a complete and correct statement of the business and affairs of the reporting entity, in respect to each and every matter and thing therein set forth to the best of our knowledge, information and belief; and that the accounts and figures contained in the foregoing report embrace all of the financial operations of the reporting entity during the period for which said report is made."

(e) The certification set forth in (d) above shall be made and subscribed under oath, pursuant to RSA 374:15 and RSA 92:3, by the CTP by its president or other chief officer and treasurer or other officer in charge of accounts whose signature(s) shall be notarized by a notary official in conformance with New Hampshire law.

(f) By submitting and/or signing the annual report required by this section, the person submitting and/or signing the form, on behalf of themselves and the CTP, thereby agree to comply with the certification statement set forth in (d) above.

Source. #7283, eff 5-23-00

### Puc 411.10 Unauthorized Switching or "Slamming" and Unauthorized Charges or "Cramming".

(a) Each CTP shall be subject to RSA 374:28-a and Puc 412, which prohibit slamming or unauthorized switching of customers.

(b) Each CTP shall be subject to RSA 378:44-48 and Puc 412, which prohibit the inclusion in a customer's bill of any charges which are unauthorized, misleading or deceptive.

Source. #7283, eff 5-23-00

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### Puc 411.11 Violation of Authorization.

(a) If, after notice, an opportunity to be heard and issuance of specific findings of fact supporting its determination, the commission determines that good cause exists, it shall issue an order as to a CTP:

- (1) Revoking, suspending, modifying or imposing conditions upon its certificate of registration;
- (2) Imposing fines or penalties, pursuant to RSA 365:41, RSA 374:28-a, II and/or RSA 378:46;
- (3) Requiring reparation to a subscriber or affected party pursuant to RSA 365:29; or
- (4) Providing for such other penalty as permitted by statute, consistent with (1) through (3) above.

(b) Good cause, pursuant to (a) above, shall include but not be limited to the following actions by a CTP:

- (1) Unauthorized switching of customer CTP services, or “slamming”, in violation of RSA 374:28-a and Puc 412 ;
- (2) Inclusion of unauthorized, misleading or deceptive charges in a customer’s billing, or “cramming”, in violation of RSA 378:44-48 and Puc 412;
- (3) Conducting business in an unfair or deceptive manner;
- (4) Consistent or flagrant violation of applicable statutes, commission rules or commission orders; or
- (5) Any other factor(s) which leads the commission to conclude that the applicant has demonstrated it does not meet the minimum standards to operate as a provider.

(c) Upon a finding as provided in (b) above, the commission shall issue an order providing for one or more of the consequences set forth in (a) above.

(d) The commission shall determine which consequences set forth in (a) above are most applicable after considering:

- (1) The nature of the infraction;
- (2) The severity of the infraction; and
- (3) Monetary or other damages to an end user, a utility or a member of the public resulting from the infraction.

Source. #7283, eff 5-23-00

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Appendix

Rule	Statute Implemented
Puc 409 (other specific statute provisions implemented by specific rules are listed below)	RSA 374:22-k through m
Puc 401.01(c)	RSA 365:8, XII, 374:22-e, f, g; 47 USC 151 et seq.
Puc 402.03	RSA 365:8, XII, 374:22
Puc 402.04	RSA 365:8, XII, 374:22-e, f, g
Puc 402.08-402.10	RSA 365:8, XII, 374:22-e, f, g
Puc 403.07	RSA 365:8, VII, XII
Puc 403.08	RSA 365:8, XII, 378:3
Puc 403.10	RSA 365:8, XII, 374:22
Puc 407.10(d)(55)-(56)	RSA 374:15, 374:18
Puc 409.02, Puc 409.05	RSA 374:22-m, I
Puc 409.02(b)	RSA 374:22-m, II
Puc 409.07(b)	RSA 374:22-m, III
Puc 409.07(a)	RSA 374:22-m, IV
Puc 409.08	RSA 374:22-m, V
Puc 410.02(f)	RSA 365:8, VI, XII
Puc 411	RSA 365:8, VI-VII, XII, 374:22

